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ON THE ROAD

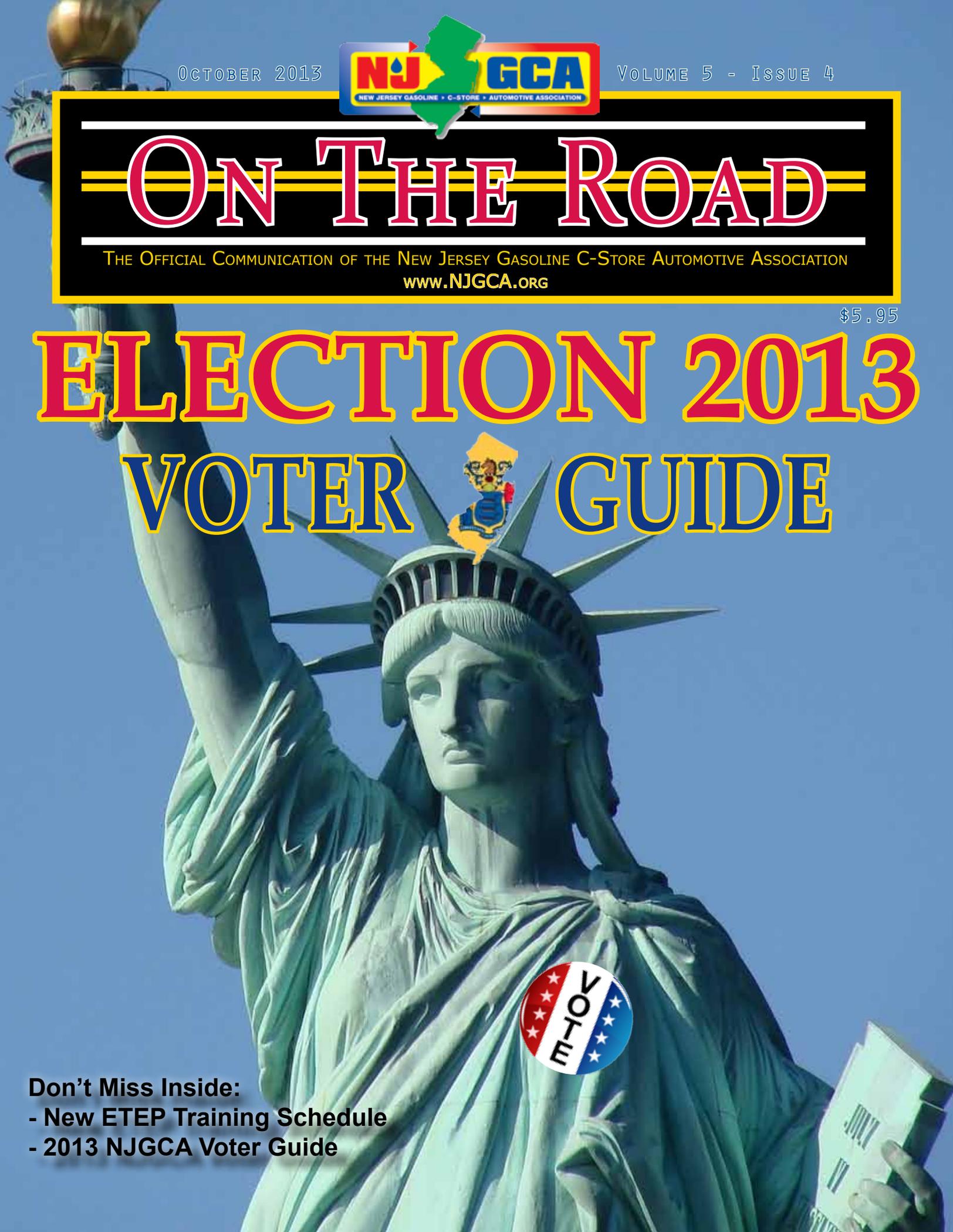
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- 2013 NJGCA Voter Guide





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NJGCA ON THE ROAD

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Message From Executive Director Sal Risalvato

Make an informed decision and VOTE!!

When I walked through the doors here at NJGCA almost 7 years ago, I asked the Board of Directors this question; “What exactly is the real reason that NJGCA or any other trade association exists?”

This is a question that I frequently ask members when we get into serious brainstorming dialogue. The answer to this question is in our mission statement. It may be in the mission statement of other trade associations, but I don't know for sure. Yes every trade association may allude to the reason of their existence in their mission statement, but in reality all trade associations should exist for one main purpose. Really... what is the real reason that a trade association of any kind exists?

NJGCA and other trade associations exist to effectively represent the interests of those that belong to the association and vociferously and strategically advocate to lawmakers, the media, and the general public those positions. The most important part is to educate and persuade lawmakers to make good public policy that will benefit the interests of the trade association's members while still considering the interests of the general public and other constituents that they represent as well.

But any trade association can only do so much. The members of the association must also be engaged in order to effectuate good public policy. The members themselves must take action to assist the association leadership or else the association will ultimately be ineffective.

That is why NJGCA goes to such great efforts to publish this annual edition of the ***On The Road Voter Guide***. Part of our job here is to keep you informed and educated not only on technical issues regarding your trade, but on the public policy issues that affect your trade.

Each year I reiterate to NJGCA members that, “I cannot and will not tell you who to vote for, but I can give you the information so that you can decide for yourself.” The NJGCA ***Voter Guide*** should help you learn about the candidates and paint a picture of those lawmakers who understand how their stance on certain public policy may help or burden your small business.

This ***Voter Guide*** will help you determine things that unfortunately most people, including those that own their own business, rarely know or even pay attention to. This is understandable because most people feel distanced from the public policy process and therefore feel as if their attention or efforts are meaningless. Nothing could be further from the truth.

For instance it is not uncommon for good citizens not to even know the district that they live in or the legislators that represent them in their district. Unless a candidate is

plastered all over TV they are not recognized by many of their constituents. Years ago, while drinking coffee and discussing politics with my customers in the sales office at my gas station while their cars were being repaired, made me realize then that many people are disengaged from the political process. My customers were all able to identify and complain about public policies that they disagreed with, but few had even a small clue how to do anything to change matters, or who they should call.

The ***On The Road Voter Guide*** will help you determine what district you vote in and who your legislators are. The best piece of information that is provided will be “how your legislator voted” on key issues important to your business, and also their responses to policy questions that NJGCA has posed on your behalf.

We have tried to give you a picture of the candidates that you will be voting for. I say that with high hopes that you will indeed be voting! Part of the apathy and feeling of helplessness that many citizens feel is their neglect to cast a vote on Election Day. I hope that should you spend some time to investigate the ***Voter Guide*** and become more educated, that you will feel more enthusiastic about insisting that your employees and your family cast their votes too.

NJGCA does more than help members navigate the troubled waters of excessive government regulation. NJGCA does more than provide money saving benefits for members. These are things that we do so that members can measure value by addition and subtraction. Many times it is difficult for members to measure how NJGCA advocacy benefits or protects their businesses.

However, many times NJGCA advocacy can be measured. For instance; what would be the effect on your business if NJGCA does not succeed in blocking Trenton from mandating that all gas stations install backup generators? This one effort has consumed our staff because it will have severe consequences if it were allowed to be implemented. At an average cost of \$20,000 per location, NJGCA has saved the owners of New Jersey gas stations collectively about \$46 million.

That seems like a pretty good value for the annual dues that NJGCA members pay. Unfortunately even those locations that are not members of NJGCA will benefit from our efforts. You know that recently I have labeled the owners of these locations as ***Freeloaders***.

You obviously are not a Freeloader. You have joined NJGCA and have taken the steps to help influence public policy and protect your business. Please grab a cup of coffee and spend 20 minutes to read through this issue and especially digest the information in the ***Voter Guide***.

When I went in to business as a 20 year old kid back in 1978, I didn't have a clue how the political process worked. I didn't know the difference between a liberal and a conservative and I didn't know the difference between a Republican and a Democrat. I didn't know who my representatives were and I didn't know what they voted for or believed in. I didn't know about laws and regulations until they were already passed and someone walked in my front door to enforce rules and hand out penalties. I didn't have the tools then that I am giving you now. I never knew then how important it was to be involved in the political process.

I know many of you say, "Politicians are all no-good" or "Politicians are only out for themselves," but I will tell you **that is not true**. Of course, there are politicians that may fit that mold, but it is unfair to paint them all with the same brush. Do you like when customers think, "All gas stations are rip offs?" Get my point?

I meet with many politicians and we discuss issues that are being considered in Trenton that may affect you and we even talk about our families and personal "getting to know you" type things. Most of these people are honest, hard working, sincere public servants that are extremely nice and very likeable and even admirable. I have come to really enjoy the company of many, even those with whom I disagree with.

It is long past the time to separate "liking or disliking" a politician and "agreeing or disagreeing" with them. This **Voter Guide** helps you determine whether or not you may agree with the candidates, yet does nothing to tell you if they are nice people or not. I strongly suggest that you separate the two and learn who agrees with you by studying this guide and then VOTE! ■



Private Inspection Facilities By Debbie Hill

**** *A must read* ****

Many of you know that NJGCA accompanies members to Trenton for hearings whenever a civil penalty or suspension has been imposed upon either the PIF owner or the inspector for failing to follow proper MVC guidelines when performing an Emissions Inspection. NJGCA assists members in order to achieve the best possible outcome resulting from disciplinary proceedings.

Recently many of these hearings have been due to a failure of the Emission Inspector to identify missing catalytic converters. Undercover investigators have been stinging NJGCA members by utilizing a 2003 Chevy that has had the catalytic converter removed. The vehicle has also been altered in order to pass inspection, so that connecting to the OBD will not find the missing cat. No diagnostic equipment will lead you to the missing cat. You must perform a visual inspection underneath the vehicle in order to physically determine that the catalytic converter is missing and fail the vehicle accordingly. This particular covert vehicle is manufactured with more than one catalytic converter, however one will be missing.

We suggest that you take numerous pictures of the vehicle including the undercarriage, license plate and odometer. Then fail the vehicle and properly answer the questions as prompted on the emissions analyzer. **MAKE SURE ALL PAPERWORK IS PROCESSED ACCURATELY.**

We are reminding you to process your paperwork for inspections properly. MVC has warned NJGCA that they will begin issuing the same penalties to the business owner (PIF) that are being issued to the Inspector. Often the front office is responsible for processing the paperwork and the front office is making mistakes which the inspector is getting written up for. NJGCA wants you to avoid receiving the additional penalties for "improper record keeping." Below you will find a list of the most common problems we have seen.

After you read this: pass it around your shop – make sure all of your employees initial this article indicating that that they have read it too!!

Accurately Processing Your Inspection Records:

1. View driver's license of the customer that drives the vehicle into your shop.
2. Record ALL insurance information on the invoice
3. Stamp ALL copies of invoice - including audit copy.
4. List customer's name, address, and phone number on all copies of invoice.
5. Double check to make sure the inspector signed VIR report.
6. Record the correct mileage on the invoice and VIR.
7. Enter correct pink card date into analyzer.
8. Do Not write on VIR.
9. Enter correct engine size.
10. Record the proper VIN on VIR and invoice.

If you have any questions, please feel free to contact Debbie Hill at NJGCA. Email debbie@njgca.org or call 973-376-0066.



U. S. Department of Labor Q&A

Your Questions, Their Answers!



By Joe Petrecca, District Director - USDOL

Member questions are submitted to Debbie Hill, the NJGCA Director of Member Services, and then forwarded to Joseph Petrecca of the USDOL. Joe's answers are published below.

Message to NJGCA members from USDOL:

In addition to answering the questions, I would like to add a message to your members about our enforcement efforts next year:

As members of NJGCA, you should already be familiar with the US Department of Labor's multi-year enforcement initiative designed to combat the FLSA violation practices in the gasoline service industry in New Jersey. Since 2010 the Wage and Hour Division has investigated hundreds of gas stations, repair garages and convenience stores that make up this industry in New Jersey. We have reached out to over 2800 retailers throughout the state to disseminate information about the requirements of the law and our intention to vigorously enforce it. We have offered to provide assistance wherever and whenever needed and we have partnered with stakeholders such as the NJGCA to get out our compliance message.

Since our initiative began 4 years ago we have recovered millions of dollars in back pay for nearly 1,000 workers and assessed fines and penalties in excess of \$1.2 million dollars. We have utilized the courts where necessary to obtain consent judgments and appoint compliance monitors to help insure future compliance against egregious violators. But our goal isn't just to be punitive; it is to do all that we can to encourage employers to comply with the law.

The good news is that more employers are knowledgeable about the law and more are obeying it, but we still have a long way to go to level the playing field for those that are doing so. In 2014 and beyond we intend to engage all aspects of the industry as well as our partners in law enforcement to seek their input in our efforts to raise the level of compliance with the Fair Labor Standards Act. We intend to extend our effort to the worker community, the major oil companies, suppliers and distributors, and of course operators and commissioned agents and those that contract with them.

We welcome your input and that of organizations such as the NJGCA. Together we can make this a model industry that insures that its workers are treated equitably and in accordance with the requirements of the law.

Thank You.
Joe Petrecca

Member Question: In the past I had an employee with a drug problem, and I had to let him go. I want to know if I can require prospective employees to take a drug test. Is there any way to also add drug testing to current employees? I don't know if by law I am allowed to surprise drug test employees, or do I have to provide an appointment time?

Petrecca: The US Department of Labor Wage and Hour Division does not enforce any laws related to drug testing. As a result, I am not qualified to definitively answer that question. I can tell you that if the employer requires his/her employee to take a drug test as a condition to maintain their employment, they must pay the employee for the time spent to take the drug test whether on site or off site. In addition, it is illegal under state law for employers or prospective employers to make a deduction from wages of any employee or require that employee to pay any sum for drug or any other pre-employment testing. The

only exception to this prohibition is for security guards under the 2004 Security Officer Registration Act (NJSA 45:19A-1 et seq.)

Member Question: A theft occurred at my location; I think it was an employee. Can I require an employee take a lie detector test? Do I have to have all employees' take the lie detector test? If I can have a lie detector test administered - who pays for the test?

Petrecca: The US Department of Labor does enforce the Employee Polygraph Protection Act. That law places severe restrictions on when and under what circumstances and the manner in which an employee may be required to submit to a lie detector test. In general you may not require an employee to submit to a lie detector test based on suspicion and you may not test all employees under any circumstances in an effort to try to determine a guilty party. Anyone with a specific question should contact the local Wage and Hour Division Office nearest their place of business. Here too employers should be mindful of NJ State law concerning polygraph tests. Under Chapter 40 A of NJ State Labor Law "Any person who as an employer shall influence, request or require an employee or prospective employee to take or submit to a lie detector test as a condition of employment or continued employment, commits a disorderly persons offense."

Member Question: I have a small business. I manage the operation with three full time employees. Am I required to provide benefits such as vacation, sick time and holiday pay? I already provide two weeks vacation -- but is it required? If an employee works on a state holiday such as Labor Day, am I required to pay time and a half for hours worked?

Petrecca: The Fair Labor Standards Act (FLSA), with few exceptions, does not require that an employer pay its workers for any time other than their actual hours of work. There is no requirement for sick, vacation, holiday or severance pay. These are benefits given to the employee and are at the employer's discretion under federal law. However, keep in mind that under state law, "If the employer chooses to provide these benefits, they must be administered uniformly in accordance with the established policy or employment agreement. An individual may have a basis for a claim if the employer fails to adhere to the policy or agreement." The law also does not require the employer to pay an employee time-and-one-half for working on the holiday unless, by working the holiday the employee has worked more than 40/hrs in the workweek. This is also the case under NJ State law as well.

Member Question: Am I required to pay an employee if he is on jury duty?

Petrecca: There is no requirement that a worker be paid for jury duty under the FLSA. New Jersey law does require that employers allow their employees time off to attend court for jury duty; however, there is no requirement for the employer to compensate the employee for that time.

I hope that this satisfactorily answers your questions, and I am glad that you read the US DOL Question and Answers Section of this issue of NJGCA On The Road. ■

Horror Highlight

Underground Storage Tank Registration

By Debbie Hill

NJDEP imposes penalty for Underground Storage Tank Registration

How can you prevent this from happening to you?

Just prior to Hurricane Sandy, NJDEP mailed renewal invoices and Underground Storage Tank (UST) registration questionnaires for UST Registrations. These invoices for UST registrations were sent to Monmouth County gas stations due to expire in January 2013. Due to the storm, one NJGCA member did not receive the original renewal notice and questionnaire. Monmouth County was one of the hardest hit by Sandy.

Many Monmouth County post offices were completely wiped out resulting in other substitute post offices handling the mail in areas that they normally didn't serve. Besides suffering from the storm damage, this member didn't have any gas or electricity. They certainly were not receiving any mail. Once mail service resumed, an average delivery numbered more than 100 pieces a day. A whole week would pass before another delivery was made, and then another 100 pieces would show up. It was complete chaos.

Finally, in February our member received a reminder invoice for the UST registration. The owner paid the invoice immediately. By paying the invoice he believed his UST registration was now renewed and all was well.

However; the owner failed to notice that the reminder invoice contained an instruction stating "in order to renew your UST registration you must also complete the UST Registration Questionnaire." ANOTHER HOWEVER, the reminder invoice did not include the required questionnaire that was sent by NJDEP but not received 6 months earlier. Had a questionnaire been included with the reminder invoice a lot of grief could have been avoided. The instructions on the reminder invoice only direct registrants to the NJDEP website for the proper form.

Without the completed UST registration questionnaire NJDEP will not send a new valid UST Registration certificate to your location. YES that means that the registration that was paid for will NOT be valid.

In April, two months after the reminder invoice was received and then paid, our member called NJDEP because they had never received the UST Registration renewal. He then called NJDEP UST Registration and Billing and reported that his bank statement shows that the check to the NJDEP for the UST Registration was cashed back in February.

The NJDEP staffer that our member spoke to informed him that the USTs at his location were "Not in Compliance." Yes, the renewal payment was received, yet the location remained "Not in Compliance" because the UST Registration Questionnaire had not been received with the payment.

Our member offered to drive to NJDEP that very moment. The NJDEP staffer said, "No, please come tomorrow." The staffer also warned that since the location was not in compliance, NJDEP could be there any day to do a compliance check.

The sad part is – The NJDEP staffer turned out to be a dirty rotten scoundrel and actually called the Monmouth County Board of Health and reported our member for not having a valid UST registration.

The following day – the Monmouth County Health Department and NJDEP were at the location for a compliance review. They already knew the UST Registration was not in order. They were there to play "Gotcha." A Notice of Violation was issued for failure to have the UST registration updated and displayed in the front office.

In July the owners received a copy of a penalty issued to the trucking company that delivered gas to their location prior to the UST Registration becoming valid. The trucking company received a \$15,000 penalty. As you know, deliveries are not permitted to locations with invalid UST registrations. Our member also received a similar penalty.

Our member was left with no choice but to call NJGCA for help. Once I learned the full story, I called NJDEP Supervisors, and the Monmouth County Health Department, and voiced my objection under these circumstances.

Here are the facts. The owners had not received the questionnaire because of Hurricane Sandy. When they did finally get another invoice it was paid immediately! YES they did fail to complete the registration questionnaire, but they did call NJDEP UST billing for assistance. At that time NJDEP could have simply advised them about the questionnaire but they didn't. They actually reported them to compliance division.

I managed to get a hearing scheduled at the Monmouth County Health Department with NJDEP. At the hearing we discovered that yet another notice had been sent certified mail return receipt from NJDEP to the owner. But just like the original mailing it was not received because of the ensuing postal chaos. The Monmouth County Health Department had a copy of a signed receipt indicating that it was received. Our member had never seen the piece of mail, nor had he signed for it, and never even knew of its existence until the day of the hearing. It's funny how the notice of violation containing a \$15,000 penalty made its way properly through the mail.

In the end NJDEP agreed to a more reasonable penalty of \$2,500 rather than the original penalty of \$15,000.

The trucking company received the same \$15,000 penalty too, but since they are not NJGCA members we did not assist them and we are unaware of their outcome.

How can you prevent this from happening to you? Immediately check your UST registration renewal date. Mark your calendar for two months prior to the date to follow up on the renewal. You must pay the renewal invoice, its only \$150.00 and most important you must complete the UST Renewal Questionnaire. If you have any problems, DO NOT CALL NJDEP UST REGISTRATION AND BILLING UNIT. Call NJGCA FIRST. We offer assistance to our members. We can reach out to folks at the NJDEP without revealing your location and identity.

Your membership pays!!!! Call NJGCA for help!!!! ■

NJGCA Member Spotlight: **Tim Arata of Westview Service Center, Ridgefield Park**

By Jacy Lance

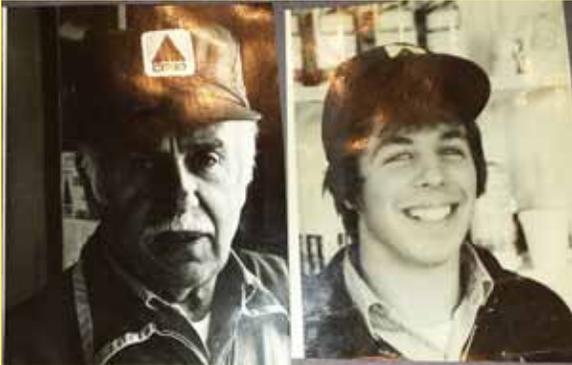
In this edition of On The Road, we shine our Spotlight on Tim Arata, owner of Westview Service Center, in Ridgefield Park, and Immediate Past president of NJGCA.

Tim, you have been around for a while, please tell us a little bit about yourself and your background.

I was born and raised in Bergen County and I've been here all of my life. My dad was an engineer at Boswell Engineering in Ridgefield Park for 40 years and I met my wife while she was working as an accountant working with my dad at Boswell. We have been married for almost 30 years, and we have two sons, Zachary (15) and Travis (13).

How did you get involved in the industry, and when?

I have been an ASE Master Tech for 25 years. My uncle owned a gas station in Cliffside Park and as a kid I spent a lot of time hanging around there. That's what really cultivated my passion for the industry. In the 70's I attended the automotive program at Bergen Technical Vocational High School. After I graduated, I worked at a few different repair shops. Then one day I decided to start my own business. That was back in 1981. It was only a two bay gas station in Ridgefield Park. My grandfather retired from the Bergen County Road Department and pumped gas for me. He was actually my first employee!



A young Tim with his grandfather, at Tim's first station

That's a great story! And your family has continued to help with the business?

Yes, I stayed at my first location for 8 years and finally realized I needed a bigger place. In 1989, I bought a larger facility which can accommodate 9 vehicles. I got married in 1985 and my wife has been doing the taxes and accounts payable for the business ever since. She works more than I do! My brother also works with me. He was an auto technician working in a Lincoln-Mercury dealership for 20 years. Finally he became involved with my business 7 years ago.

Tell me about what you do outside of work. You are active in community athletic programs, correct?

I'm kind of an exercise and health fanatic. I enjoy running and biking -- marathons and triathlons and other endurance events. Every morning I get up at 4:00 AM and start my day at the gym. My business always sponsors recreation soccer and baseball teams in Ridgefield every year, and I have been coaching youth wrestling for many years in Mahwah where I reside. I began coaching even

before my kids ever got involved in the program. As a rule I never coach my own kids, though. I try to be objective and level-headed when I coach, but with my own kids, since I'm emotionally invested, it creates a different dynamic. Participation in sports and extra-curricular activities should be fun, not stressful.

In addition to the things that you participate in, tell me about some ways in which your family gives back to the community.

My family belongs to Immaculate Conception Parish in Mahwah. My wife has been involved in the religious education program long before our own kids were even in the program. One of my sons is currently pursuing his Eagle Scout Award and hopes to be accepted into one of the military academies to become an officer in the Armed Forces.

You have a lot of experience in this industry; can you compare and contrast the nature of the business then and now?

In the last 34 years, I have witnessed an amazing change in the industry, from vehicle safety standards and inspection programs, to technology in cars and machinery, and even government-imposed permits, regulations and fees with which we must comply. Every year there is something new -- a different permit, new technology, a new area of our industry that the government tries to come in to regulate.

I always think back to the good old days in the early 80s and reflect on how simple it was to run a small business. Unfortunately, I feel like the majority of my time now is spent on maintaining our business in good standing within the numerous guidelines imposed by the state and federal government. If it wasn't for NJGCA, it would be nearly impossible for our members to keep informed of the constantly changing rules and regulations of the industry -- much less comprehend and comply with them.

Where do you see the industry going? How do you think it will change in the coming years?

Technology is becoming a huge part of everything we do. Aside from the necessity of constantly updating machinery in our shops, technology is changing the way that we communicate. I hate to admit this, but I wouldn't even have an iPad if it wasn't for Sal. Sal definitely emphasizes the importance of using technology to disseminate critical information to members. I consistently see the benefits of receiving the emails that he sends.

Additionally, I see alternative fuels growing into a segment of the industry that we will no longer be able to ignore. For example, there is a great local company in North Jersey called Greased Lightning that takes used vegetable and cooking oil from restaurants, and converts it into biodiesel. Everyday we read and hear more and more about electric cars, hybrids, compressed natural gas, solar, wind, etc. There is a constant barrage about alternative fuels and I think that it would be extremely dangerous and irresponsible for the gasoline industry to turn a blind eye to this reality and refuse to adapt with the changing times. Every car that fuels up with natural gas or recharges with electricity is a car that won't be buying gasoline from me anymore.

You've been involved with NJGCA for quite some time -- first as a member and recently as our association President. Can you describe some of the changes that you have witnessed at NJGCA over the years?

I have been involved with the organization since the 1980s. Former Executive Director Jerry Ferrara signed me up as a member in 1982. I remember him stopping by my shop multiple times and saying, "Kid you need to be a member of our organization," and he told me something that I didn't know about a new regulation that I needed to comply with. So I joined. And it was Jerry Ferrara's leadership that inspired me to stay and to take this organization to the next level.

I've been an active board member since 1989, and I recently stepped down as President because I was beyond the term limits that the NJGCA By-Laws permitted. There was a time when this organization was like a full time job to me. When I look back, I think about how far we've come. We have the best programs for worker's comp, health care, and insurances, but all of that aside, there is no other organization that is going to represent our interests in the automotive and gasoline industry like NJGCA does and will continue to do for years to come.

Finally, if you could, what is your vision for NJGCA?

My vision is to keep NJGCA on the same path that we are on right now. In such a short period of time, we have come very far, that I can't even begin to imagine what the future is going to bring. In the past couple of years, we have done so much to gain influence with lawmakers in Trenton.

Most impressive to me is the way that NJGCA communicates with members and takes advantage of today's modern technology. I remember the days when NJGCA members were lucky to receive a newsletter once a month in the mail. Now we receive the Road

Warrior email every week with more rapid and timely information. We learn things as fast as they happen with the additional email communications that have been set up. I know that when a Wildfire Alert comes in that I have to stop what I am doing and read it immediately, because it will contain urgent information.

NJGCA offers so much to their members. I cannot stress enough the importance of members participating and standing side-by-side with NJGCA. It beats standing alone by one's self like a castaway on a deserted island. Active participation also helps strengthen the association and better enable the organization to help its members. That is my vision -- that members give back and contribute to the organization whenever they can, in whatever way possible. That will take NJGCA to new heights and really show what this organization is capable of. ■



TRAINING CLASS SCHEDULE

*Class will be held at NJGCA Headquarters
66 Morris Avenue, Springfield, NJ 07081 (Union County)*

Emission Technician Education Program (ETEP)

Description: This is the ETEP Certification Course; the entire program, sections 1-8. This is everything you need to become a licensed Emission Repair Technician. Tests are given throughout the course and technicians that pass will receive a certificate stating that they successfully completed the New Jersey Emission Technician Education Program (ETEP). NJGCA has provided this program to the NJ Department of Transportation, UPS, and NJGCA Members throughout New Jersey. Our pass rate in this class is 100%.

OUR CLASS INCLUDES:

- Sections 1-8 ETEP Training and NJ State Specific

CLASS COST (INCLUDING MANUALS):

- NJGCA Member: \$1,495.00
- NON-Member: \$1,695.00

CLASS SCHEDULE: Eight full days of training -- every Thursday for eight consecutive weeks, from 8:00 AM to 4:30 PM:

- October 30
- November 6, 13, 20, 27
- December 4, 11, 18

TAKE ADVANTAGE OF OUR TRAINING CLASS

To Register -- contact Debbie Hill at 973-376-0066 or debbie@njgca.org

Special Note on all Classes: FUTURE CLASSES AND DATES WILL BE ADDED UPON REQUEST. CALL TO LET US KNOW THAT YOU ARE INTERESTED IN TAKING A CLASS SO THAT WE CAN KEEP TRACK OF DEMAND!!



Legislative Roundup

Important Issues impacting your business!

By Eric Blomgren

See the updates below for the most recent activity in Trenton and around the state. These issues are important to all NJGCA members.

Generator Mandates

While there has not been much change in the state battle over generator mandates, the fight seems to have moved to the local level. In mid-September, NJGCA was alerted by a member that the Teaneck City Council was planning to pass an unfunded generator requirement in only a few hours. Springing into action, we were able to have the vote postponed until town officials could meet with us and other parties concerned about the proposed ordinance.

As drafted, the ordinance would have required every gas station, supermarket, and retirement/disability home in the city to have a backup generator capable of keeping the business open in the event of a power outage. There was no funding provided, not even low interest loans, and businesses only had 90 days to get the generators installed. Every day afterward a business would be charged between a \$100 and \$1,000 fine for not having one.

NJGCA met with Teaneck officials along with a local member and a coalition of other groups who would be affected by the proposed ordinance. We explained the extremely high costs associated with requiring retailers to install them, and the fact they would have done nothing to prevent the gas crisis that occurred after Sandy, which was the result of storm damage to the refineries and terminals in North Jersey. They agreed to hold the proposal.

NJGCA would not have been able to stop this mandate from happening if we had not been alerted to it by a member whose business is in Teaneck. There are 565 different local governments in the state of New Jersey, and it's simply not possible to monitor all of them all the time. We must rely on you, so please keep an eye on your town council and contact NJGCA if you hear they are planning anything that will hurt your business.

Mandatory Paid Sick Leave

A movement is being pushed among some in government to mandate that every employer in the state provide some type of sick leave to their employees. The bill, A-4125/S-2866, is sponsored by Assemblymembers Pamela Lampitt (D-6) & Tom Giblin (D-34) and Senator Loretta Weinberg (D-37). The bill would require every employee, including part time hourly employees, be given one hour of paid sick time off for every 30 hours worked.

This paid time off requirement affects every business, no matter how large or small. Employees can accrue up to 40 hours of paid sick leave at a time if the business has fewer than ten employees and up to 72 hours of paid leave if there are more than ten employees. That same amount of time may be carried forward from year to year by the employee. The sick leave can be used not only if the employee is sick, but also if they claim a family member needs medical care. Employers will have to keep records going back 5 years to prove that they provided the legally required amount of sick time, and employees will be able to file a complaint if they believe they were fired or simply not promoted because they used their sick time. There would also be yet another notification businesses would be required to post which would alert employees that they have paid sick time. If an employer already provides some other form of paid time off, then they will not need to offer additional sick time as long as the time off they already provide is equal to or greater than what is being mandated.

NJGCA is joining with several other business groups to fight this burdensome legislation. Your business would be stuck paying double wages some days; once for the employee who was sick and once for the person filling in. Most businesses that can afford to give their employees sick time off will do so as a way to keep their skilled employees. By mandating this benefit, it will just remove more flexibility from business owners when times get tough. Worst of all, there is potential for this to pile on top of businesses at the same time the minimum wage and payroll taxes may be going up, along with Obamacare being implemented.

The new mayor of Jersey City, Steve Fulop, is also pushing to enact mandatory sick leave within his city. NJGCA met with the Mayor alongside several other business groups to talk about the issue. The Mayor's plan is not as extreme as the one on the state level. Businesses with less than ten employees would only have to provide unpaid sick leave, and he is willing to reevaluate aspects of the law after the first year if it is proving too detrimental to businesses. Despite this, NJGCA opposes this burdensome mandate on employers, and we also argue that Jersey City does not have the power to mandate a business provide its employees benefits; only the state government can do that. Ultimately, that question may be decided by the courts.

Rewards Programs Changes

More and more companies have been rolling out different kinds of gas-related promotions since these programs became allowable in NJ last year. Some, however, have charged service stations a transaction fee for being a part of the program. When the compromise legislation was agreed upon in 2011, it was understood that "transaction fee" would only refer to the normal fees associated with credit cards. Unfortunately, this has been interpreted as a way to charge transactions fees for the use of certain loyalty cards. In September, Assemblywoman Celeste Riley (D-3) introduced A-4446, a bill that NJGCA and FMANJ have been jointly working on to address this issue. It explicitly states that no service station shall bear any cost associated with a loyalty or rewards program. Hopefully, this bill will move quickly once the Legislature returns to business after November's election.

Tobacco Update

A-3278/S-2516, sponsored by Assemblymembers Amy Handlin (R-13), Peter Barnes (D-18) & Tony M. Bucco (R-25) and Senators Donald Norcross (D-5) & Steve Oroho (R-24), was signed into law by Governor Christie on August 19th. This bill increases the penalties associated with cigarette smuggling and counterfeiting. Illegal sales of cigarettes make up a large chunk of the market, stealing not just revenue from the state but stealing business from thousands of gas stations and convenience stores for whom tobacco is an important profit center.

NJGCA PAC

On October 2nd NJGCA co-hosted another successful fundraiser for the NJGCA PAC. We thank those of you who were able to attend, and hope you had a great time. This is a critical, and expensive, time of the year for the NJGCA PAC. Our PAC is the best tool we have to show our support for the legislators in Trenton, and election season is when they need that support the most. Once the election has passed, we will need to refill our coffers to get ready to support our friends in the Legislature as they prepare for their next campaign, which literally and unfortunately begins the day after Election Day. Please help us support your business by mailing a contribution to the NJGCA PAC to 66 Morris Avenue, Suite 1E, Springfield, NJ 07081. Thank you. ■



GENERAL COUNSEL CORNER: PART 1

BY PETER H. GUNST, ESQUIRE



The Ethanol Blending Battle Continues

Congress' enactment of the federal renewable fuel program has led to battles between suppliers, on the one hand, and distributors and retailers, on the other, concerning the latter's right to "splash blend" ethanol with gasoline.

The issue is whether suppliers can monopolize the blending process by prohibiting splash blending so that they can obtain the valuable credits called RINs that Congress decreed should go to an entity performing the blending function.

In 2008, North Carolina enacted a blending statute that purported to preserve the right of distributors and retailers to blend below the terminal rack, and which prohibited suppliers from contractually restricting retailers from splash blending.

The suppliers, with the American Petroleum Institute as lead plaintiff, sued the state in federal court, contending that North Carolina should be prohibited from enforcing the act because it was inconsistent with federal law. API argued that the state law was preempted by the PMPA, the federal renewable fuel program and the Lanham Act, which confers federal trademark rights.

Recently, the Fourth Circuit Court of Appeal considered the district court's rejection of API's claims in a published opinion styled *American Petroleum Institute v. Cooper*, ___ F.3d ____, 2013 WL 2443148 (4th Cir. 2013).

The Appeals court agreed with the district court on two of the three issues raised by API. First, it rejected API's argument that the North Carolina act conflicted with the PMPA's exclusive jurisdiction over issues relating to franchisee termination or nonrenewal.

API argued that the PMPA preempted the state law because the state law in effect prohibited a franchisor from terminating or nonrenewing a franchisee for violating an express contractual prohibition against splash blending. API argued further that the North Carolina statute contradicted the federal statute's prohibition against "willful alteration" of gasoline, which is specifically set forth in the PMPA as an appropriate ground for termination or nonrenewal.

Rejecting API's PMPA contentions, the court emphasized that Congress' 1994 amendment to the PMPA restricted its preemptive scope by providing states with "the authority to pass substantive laws making certain franchise provisions illegal or enforceable." This opened the door to the North Carolina legislature to prohibit suppliers from contractually forbidding their franchisees from engaging in splash blending.

Likewise, the court found API's "willful alteration" argument to be unpersuasive. It interpreted "adulteration" as referring only to mislabeling or misbranding of product, and not to the "accepted industry practice" of "blending fuel with renewable fuel."

The Fourth Circuit also agreed with the district court that the state law did not conflict with the federal renewable fuel program. It pointed out that the EPA's own regulatory statements anticipated that distributors and retailers, and not merely suppliers, would engage in blending activity. Congress did not intend, the court concluded, to create a supplier monopoly in trading RINs by prohibiting their customers from engaging in splash blending.

The Fourth Circuit was troubled, however, by the district court's summary rejection of API's Lanham Act preemption argument. API had complained that splash blending would result in increasing "the potential for human error in the measuring, delivering, and mixing of ethanol gasoline." The result could be potential harm to customer vehicles, thus diminishing the value of the suppliers' trademarks.

Sending the case back to the district court, the Fourth Circuit decided that the plaintiffs had presented a sufficient basis for requiring a full trial of their Lanham Act preemption claim.

The Fourth Circuit's opinion is significant not only because of its potential impact on the splash blending debate, but also because of its revised position on PMPA preemption. The court basically found that its earlier, more restrictive preemption opinion in *Mobil Oil Corp. v. Virginia Gasoline Marketers & Automobile Repair Association*, 34 F.3d 220 (4th Cir. 1994), had in large part been rendered nugatory by Congress' amendments to the PMPA.

Further, the Fourth Circuit's interpretation of the PMPA's "adulteration" prohibition, limiting it to instances of mislabeling or misbranding, could open the door to state laws requiring the separate sale of generic gasoline and additives, thus "unbundling" the sale of motor fuel. Such legislation has been considered in at least one state as a means of increasing competition in the sale of petroleum products.

The court's Lanham Act finding, although contrary to the district court decision, is not really exceptional. If a supplier can in fact demonstrate through competent evidence that splash blending actually diminishes its trademark rights by harming its product, then preemption is probably proper. But that is an evidentiary burden that the supplier will have to meet. ■

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To access the latest articles by the Service Station Dealer's legal counsel, please visit the "Service Station Dealers: Legal Issues" section of the Astrachan Gunst Thomas Rubin, P.C. website at: <http://www.agtlawyers.com/resources/petroleum.html>

ULSD Isn't The Only Thing In Your Diesel UST

By Martin J. Gallagher, Chestnut Ridge Exxon

If your station sells diesel fuel you may not be aware of fuel-related problems that other retailers have been experiencing. Unless you've done some research, you probably don't know that this issue affects everyone who sells diesel fuel. The problem is water in Underground Storage Tanks (USTs) and the subsequent growth of microorganisms. It is important that you understand how to take control of these issues now before they control you, and cost you thousands of dollars on repairs just like it did me. Here's my story:

My brother, Brian, and I own an Exxon station with an On the Run convenience store and car wash. The facility was razed and rebuilt for the 3rd time in 40 years in 2005, including a new tank field, dispensers, canopy & buildings. There are 3 double-wall fiberglass USTs totaling 50,000 gals of storage. Like every other NJGCA member, we can't afford downtime or expensive problems, but these last 6 months have been an expensive lesson dealing with Ultra Low Sulfur Diesel (ULSD) issues.

ULSD has been mandated by the EPA since 2006. If you read the article in the July issue of *On The Road* about corrosion in ULSD dispensing and storage systems, you may think it doesn't apply to you because you don't have steel tanks, or you may think there's nothing you can do to prevent it. If so, you're wrong on both counts, but corrosion is only part of the problem. It turns out that the keys to minimizing downtime and expensive repairs are regular product sampling, testing and treatment. The problem is there's no single resource for retailers to go to in order to find out what needs to be done, why it needs to be done, or how to do it.

THE BORING DETAILS

Catalytic cracking - refining technology is widely used to squeeze every drop of diesel out of a barrel of crude oil. Sulfur content has been reduced for cleaner emissions. ULSD is cleaner, however it is less stable than conventional diesel fuel, causing solids like paraffin and asphaltenes to drop out. It is also susceptible to microbe contamination including molds/fungi, yeasts and bacteria. The root of the microbe problem is water. Even if you stick your tank for water and/or use a Tank Level Sensor (TLS) system like Veeder-Root to monitor water and find none, you probably still have some, and just a small amount of water is enough to allow the growth of problem-causing microorganisms. Staying ahead of microbial growth in your diesel tank involves managing, treating and, ultimately, removing the water. It's a process that never ends.

Water enters diesel USTs in several ways. Obviously, it enters through catch basins and fill pipes due to rain. However, it also enters due to condensation on the inside of the tank walls, especially when warm product is delivered into a cool tank. Another way it enters is through the product itself. Diesel delivered into USTs may contain both free water (picked up during storage and transportation) and dissolved water (part of the liquid

mixture of virtually all diesel fuel). The water collects at the bottom of the tank and since tanks are usually tilted, where it collects is known as the tank heel.

Microorganisms like bacteria and fungi live in the water/fuel interface in the tank heel. They grow in the water and feed on the hydrocarbons (diesel). Bacteria and fungi prefer to grow as a thin film (biofilm) attached to the walls or floor of the tank. Biofilms can be large enough to clog fuel filters and valves, and the microorganisms can contribute to the corrosion/deterioration of metal, rubber, and plastic parts. During fuel deliveries the water and biofilm can be stirred up causing an increased risk of plugging fuel filters, valves and even nozzles. They're also drawn up through the dispensing equipment by the Submersible Turbine Pump (STP) motor as fuel is dispensed. Microbial metabolism generates corrosive acetic acid, and microbial biomass or slime can be dispersed throughout the equipment. Slime begins to accumulate, corrosion begins eating away at components and failures start to occur. You may start replacing parts like filters, nozzles, proportioning valves, risers, check valves and even STP motors but it will not end until you deal with the root of the problem: WATER.

FIRSTHAND EXPERIENCE

A few months ago our diesel dispensers started pumping slowly. The first step taken was to replace the dispenser filters. Flow rates improved a little but then we noticed that two nozzles would not shut off completely. This turned out to be due to small particles, possibly remnants of microbes or corrosion, which were imbedded in the O-rings inside the nozzles. The nozzles then had to be replaced to correct the problem. I decided to have the fuel tested for what is sometimes called "the diesel bug" or "diesel algae." I found a lab that could perform the tests and when the results indicated slight bacteria & fungus levels I arranged to have the tank treated with a biocide and then cleaned. In the meantime a PLLD shutdown by Veeder-Root occurred because debris had accumulated on the STP check valves so no fuel could be dispensed.

Biocide was applied and left in the tank for 24 hours. Tank cleaning involved pumping fuel out of one side of the tank, through a filtering truck and back into the other side of the tank. Including the cost of having two technicians on-site to remove the STP while the tank was cleaned out, the cost of the filters, nozzles, biocide and lab tests grew to \$4,500 - but it didn't end there.

A little over a month later diesel dispensers started pumping slowly again. By the time a technician got to the station the dispensers had stopped completely. The STP motor had failed because slime that had been accumulating on the proportioning valves all along had caused the motor to strain until it failed. This slime had gone unnoticed during the tank cleaning. Another \$4,000 later the new motor and valves were installed and everything was operating normally.

Had one of the techs thought to preventatively clean out or replace those valves when the tanks were cleaned we would have saved that \$4,000. Had I known six months ago how prevalent microbial growth problems are and how they can be treated we could have saved a total of \$8,000.

WHAT NEEDS TO BE DONE

Fuel samples should be taken frequently, preferably from the bottom of the tank, and those samples should be tested for the presence of microorganisms. A company called AXI makes 4 ml and 8 ml fuel samplers that can be lowered to the tank bottom to gather samples. Other devices are available commercially or can be fabricated using PVC pipe.

On-site test kits should be utilized to determine if action needs to be taken. Tests should be performed frequently; at least quarterly, and as often as every time new fuel is delivered if problems are being experienced or suspected. Testing before and after deliveries will help identify problems right away. On-site test kits are available from companies such as AV Labs that will inexpensively allow the presence of bacteria and/or fungi in the fuel/water to be detected and quantified.

Periodic lab testing should be performed when multiple problems are indicated or suspected. Companies like Intertek have labs in NJ for standard testing and one in Houston for special tests. They can also come on-site to take samples and perform tests but that is a more costly option.

Biocide should be added regularly to kill microbes that enter during deliveries and to control microbe growth. Companies like Baker Hughes manufacture a biocide stick called X-cide Biosticks that can be tossed into the tank to

provide ongoing protection. Even if your facility does not have a known problem with microbial contamination it is still wise to routinely employ biocide to make sure that your facility remains problem-free.

When water can be measured in the bottom of the tank it needs to be removed. Companies like Lorco can perform water removal which will reduce the environment the microorganisms need to live.

If a severe sediment or microorganism problem exists and tank cleaning and product filtering needs to be done, then companies such as Crompco will perform this on-site with a filtering truck. This will greatly reduce the problem but may not eliminate the problem - so ongoing preventative treatment with biocide will most likely be required just as it is with tanks that have not yet had a severe problem.

If component failures start to occur, make sure the technicians inspect all components during repairs. If one component is covered in slime or corrosion you can bet that the other ones are too. Spending a little extra time dealing with all the parts at once may prevent further part failures and repeat repairs.

An Ultra Low Sulfur Diesel preventative maintenance program is not free but it is cheap compared to the cost of downtime and expensive repairs that will be needed if you let microbial growth get out of hand. It is even cheaper when you consider the cost of damage claims should a customer's vehicle suffer a failure related to fuel quality. Until a better option comes along it's up to station operators to stay on top of these issues. Oil companies do their own testing and treatment at the refineries and terminals but once the fuel gets delivered to your tank – well then it's your problem.

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By Eric Blomgren

On November 5th, we'll be heading to the polls to vote for who will be representing us in our state government. Normally, that's the only election we would need to cover in our Voter Guide. But this year we also have a special election, for US Senate, on October 16th.

As NJGCA has made clear, government has a huge influence in how your business operates. Elections are where we, as citizens, are most able to make our voices heard. The members of the state Legislature decide which legislation to pass and which to ignore or reject. The Governor can then approve, reject, or attempt to modify what passes the Legislature. If they can all agree on something, it becomes the law and you must live by it. The Governor also oversees the various governmental departments, like DEP and MVC. Who the Governor appoints to lead those agencies and departments has a tremendous influence on the types of regulations that are written and enforced.

New Jersey has about 8.8 million residents -- about 5.5 million of whom are registered voters. Everyone in the state votes for a gubernatorial candidate, giving the winner a powerful mandate. The Legislature is divided into two houses: the State Senate (40 members) and the General Assembly (80 members). All the citizens of the state are divided up into 40 districts, each with about 220,000 people. The voters of each district elect one person to the state Senate and two people to the Assembly. Those elected to the state Senate will serve for 4 years while those elected to the Assembly serve for two. Currently, Democrats have control of both chambers of the Legislature. The Senate is split 24-16 and the Assembly is split 48-32.

Voters will also have an extremely important ballot question put before them. Governor Christie vetoed the minimum wage proposal passed by the Legislature, and instead proposed a compromise that would have increased the minimum wage from \$7.25 an hour to \$8.25, over two years, and with no automatic increases. Instead, majorities in each house of the Legislature voted to amend the state constitution to increase the minimum wage to \$8.25 an hour with automatic yearly increases based on the Consumer Price Index. Since it is being presented as an amendment to the constitution, the Governor does not get to approve or disapprove. The issue is now left to the citizens of New Jersey. If it is to become the supreme law of the state, voters must vote in favor of it on Election Day.

US Senate Special Election (October 16, 2013)

Earlier this year, New Jersey's longtime US Senator, Frank Lautenberg, passed away at the age of 89. His death while in office created a vacancy that will be filled by the voters in a special election scheduled for Wednesday, October 16th. Whoever wins will take office immediately and serve out the remaining 14 months of the term in Washington DC. The actions of the US Senate are important, and because of the special nature of this election there is likely to be low turnout. And low turnout means that every vote counts even more.

Our next US Senator will be represent New Jersey on a variety of very important issues, including taxes, the National Debt, Mideast policy, the minimum wage, immigration reform, and many more.

The Democratic nominee is Cory Booker, who has been Mayor of Newark since 2006. The Republican nominee is conservative activist and former Bogota Mayor Steve Lonegan.

NJGCA sent both candidates a special survey asking about issues that affect your business in Washington. Unfortunately, Mayor Booker did not return his survey.

To learn more about where each candidate stands on the issues you can visit each of their websites:

Mayor Lonegan's website is www.loneganforsenate.com

Mayor Booker's website is www.corybooker.com

Governor's Race (November 5, 2013)

The race for Governor pits our current Governor, Chris Christie, against a state Senator from Middlesex County, Barbara Buono. Governor Christie defeated Governor Jon Corzine by 3.6% in 2009. He was the first Republican to win a statewide election in New Jersey since 1997. Since then he has governed with the goal of "shaking up" the Trenton establishment. His Administration has worked hard to be as business friendly as possible. He has successfully fought against attempts to raise the state's income tax and argued against any increases in other taxes. He has worked to reduce regulations, especially for businesses. He has been a tenacious advocate for meaningful education reform, an important issue because a good education goes a long way in making a good employee.

His accomplishments in his term include a 2% cap on the growth of property taxes and significant, meaningful reforms for the state's pension and benefits system which are estimated to save taxpayers \$120 billion over the next thirty years. He also pushed for an across the board income tax cut, which ultimately was not passed by the Legislature. 150,000 private sector jobs have been created so far during his term, and he famously led the state through Superstorm Sandy and its aftermath.

Challenging him in his quest for reelection is state Senator Barbara Buono, from Middlesex County. She was first elected to the Assembly in 1993, and was elected to the state Senate in 2001. During her time in the Senate she has served as Chair of the Senate Budget & Appropriations Committee and was the Senate Majority Leader, the number two position, for 2010 and 2011.

She has been a vocal supporter of workers and unions, having voted against pension reform and in favor of increases in the minimum wage and issues like paid family leave. She believes in increasing income taxes on the highest incomes and in spending more money on education.

NJGCA encourages you to watch the two televised debates between the candidates as well as to visit the websites of each candidate for more in depth information about them.

Gov. Christie's website is www.christiefornj.com

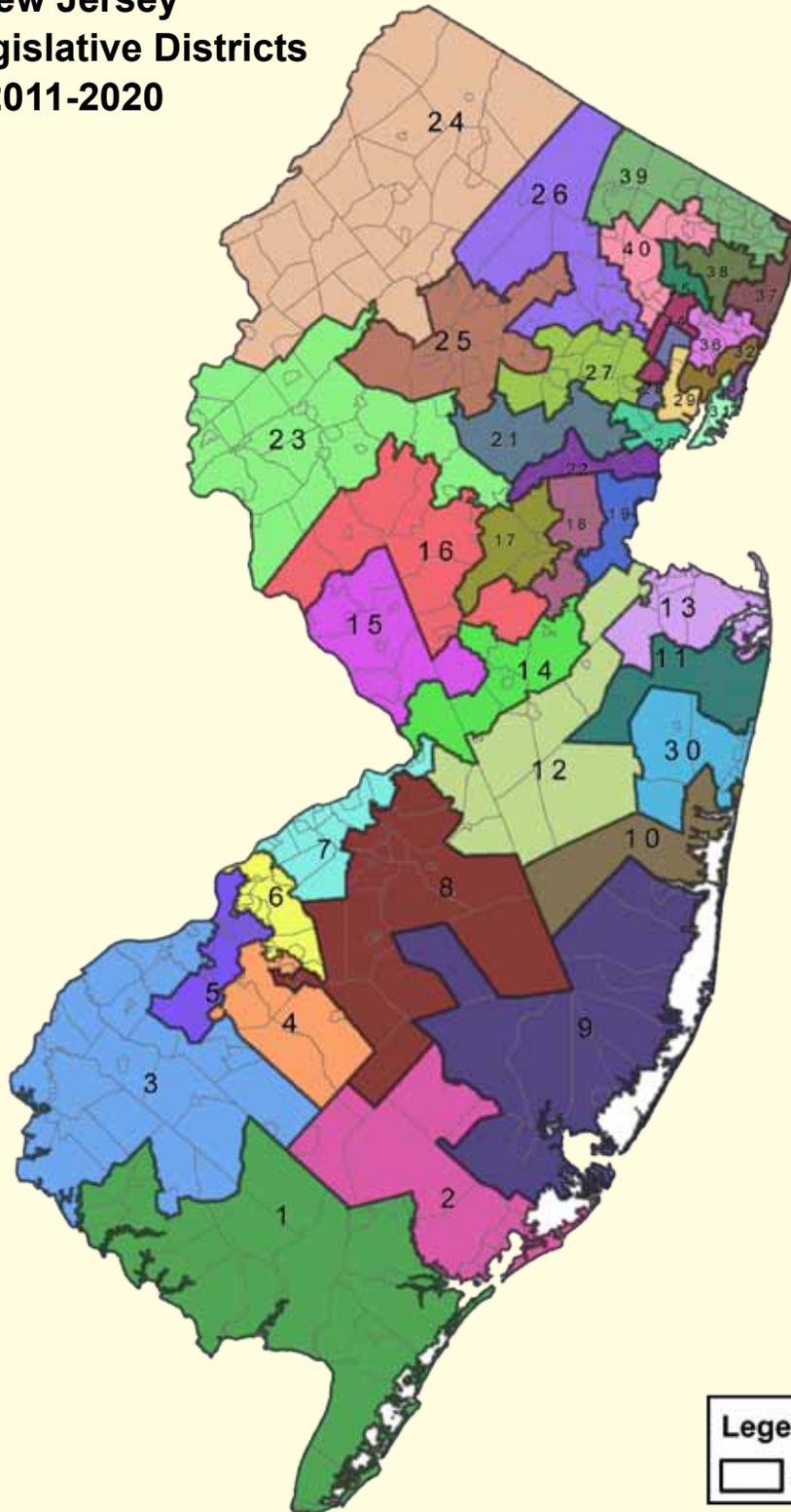
Sen. Buono's website is www.buonoforgovernor.com

Whenever you vote for President of the United States, you're also voting for their candidate for Vice President. The same basic idea applies in New Jersey. When you cast a ballot for Governor, you're also voting for their chosen running mate for Lieutenant Governor.

Governor Christie has chosen to continue to run with the current Lt. Governor, Kim Guadagno. She has used her term to reach out to businesses all over the state to try and address their concerns and help them navigate their way through New Jersey's maze of red tape. Sen. Buono has chosen Milly Silva to be her Lt. Governor candidate. Mrs. Silva is a leader of the state chapter of the Service Employees International Union (SEIU), and has long advocated for a much higher minimum wage and for businesses to be required to provide their employees with greater benefits. ■



New Jersey State Legislative Districts 2011-2020





WHAT DISTRICT DO I LIVE (VOTE) IN?

Atlantic County: **District 1:** Corbin City, Estell Manor, and Weymouth. **District 2:** Absecon, Atlantic City, Brigantine, Buena, Buena Vista, Egg Harbor City, Egg Harbor Township, Folsom, Hamilton, Linwood, Longport, Margate, Mullica, Northfield, Somers Point, and Ventnor. **District 8:** Hammonton. **District 9:** Galloway and Port Republic.

Bergen County: **District 32:** Edgewater and Fairview. **District 35:** Elmwood Park and Garfield. **District 36:** Carlstadt, Cliffside Park, East Rutherford, Little Ferry, Lyndhurst, Moonachie, North Arlington, Ridgefield, Ridgefield Park, Rutherford, South Hackensack, Teterboro, Wallington, and Wood-Ridge. **District 37:** Alpine, Bogota, Cresskill, Englewood, Englewood Cliffs, Fort Lee, Hackensack, Leonia, Northvale, Palisades Park, Rockleigh, Teaneck, and Tenafly. **District 38:** Bergenfield, Fair Lawn, Glen Rock, Hasbrouck Heights, Lodi, Maywood, New Milford, Oradell, Paramus, River Edge, Rochelle Park, and Saddle Brook. **District 39:** Closter, Demarest, Dumont, Emerson, Harrington Park, Haworth, Hillsdale, Mahwah, Montvale, Norwood, Oakland, Old Tappan, Park Ridge, Ramsey, River Vale, Saddle River, Upper Saddle River, Washington, Westwood, and Woodcliff Lake. **District 40:** Allendale, Franklin Lakes, Ho-Ho-Kus, Midland Park, Ridgewood, Waldwick, and Wyckoff.

Burlington County: **District 6:** Maple Shade. **District 7:** Beverly City, Bordentown City, Bordentown Township, Fieldsboro, Burlington City, Burlington Township, Cinnaminson, Delanco, Delran, Edgewater Park, Florence, Moorestown, Mount Laurel, Palmyra, Riverside, Riverton, and Willingboro. **District 8:** Eastampton, Evesham, Hainesport, Lumberton, Mansfield, Medford, Medford Lakes, Mount Holly, Pemberton Borough, Pemberton Township, Shamong, Southampton, Springfield, Westampton, and Woodland. **District 9:** Bass River, Tabernacle, and Washington. **District 12:** Chesterfield, New Hanover, North Hanover, and Wrightstown.

Camden County: **District 4:** Chesilhurst, Clementon, Gloucester Township, Laurel Springs, Lindenwold, and Winslow. **District 5:** Audubon, Audubon Park, Barrington, Bellmawr, Brooklawn, Camden, Gloucester City, Haddon Heights, Lawnside, Magnolia, Mount Ephraim, Runnemede, and Woodlynne. **District 6:** Berlin Township, Cherry Hill, Collingswood, Gibbsboro, Haddon Township, Haddonfield, Hi-Nella, Merchantville, Oaklyn, Somerdale, Pennsauken, Stratford, Tavistock, and Voorhees. **District 8:** Berlin Borough, Pine Hill, Pine Valley, and Waterford.

Cape May County: **District 1:** Entire County.

Cumberland County: **District 1:** Commercial, Downe, Fairfield, Greenwich, Hopewell, Lawrence, Maurice River, Millville, Shiloh, Stow Creek, and Vineland. **District 3:** Bridgeton, Deerfield, and Upper Deerfield.

Essex County: **District 26:** Fairfield, North Caldwell, Verona, and West Caldwell. **District 27:** Caldwell, Essex Fells, Livingston, Maplewood, Millburn, Roseland, South Orange, and West Orange. **District 28:** Bloomfield, Glen Ridge, Irvington, Newark (part), and Nutley. **District 29:** Belleville and Newark (part). **District 34:** East Orange, Montclair, and Orange. **District 40:** Cedar Grove.

Gloucester County: **District 3:** Clayton, East Greenwich, Elk, Franklin, Glassboro, Greenwich, Logan, National Park, Newfield, Paulsboro, South Harrison, Swedesboro, West Deptford, Woodbury Heights, and Woolwich. **District 4:** Monroe, Pitman, and Washington Township. **District 5:** Deptford, Harrison, Mantua, Wenonah, Westville, and Woodbury.

Hudson County: **District 31:** Bayonne and Jersey City (part). **District 32:** East Newark, Guttenberg, Harrison, Kearny, North Bergen, Secaucus, and West New York. **District 33:** Hoboken, Jersey City (part), Union City, and Weehawken.

Hunterdon County: **District 15:** East Amwell, Lambertville, and West Amwell. **District 16:** Delaware, Flemington, Raritan, Readington, and Stockton. **District 23:** Alexandria, Bethlehem, Bloomsbury, Califon, Clinton Town, Clinton Township, Franklin, Frenchtown, Glen Gardner, Hampton, High Bridge, Holland, Kingwood, Lebanon Borough, Lebanon Township, Milford, Tewksbury, and Union.

Mercer County: **District 14:** East Windsor, Hamilton, Hightstown, and Robbinsville. **District 15:** Ewing, Hopewell Borough, Hopewell Township, Lawrence, Pennington, Trenton, and West Windsor. **District 16:** Princeton Borough and Princeton Township.



WHAT DISTRICT DO I LIVE (VOTE) IN?

Middlesex County: **District 12:** Old Bridge. **District 14:** Cranbury, Jamesburg, Monroe, Plainsboro, and Spotswood. **District 16:** South Brunswick. **District 17:** Milltown, New Brunswick, North Brunswick, and Piscataway. **District 18:** East Brunswick, Edison, Helmetta, Highland Park, Metuchen, South Plainfield, and South River. **District 19:** Carteret, Perth Amboy, Sayreville, South Amboy, and Woodbridge. **District 22:** Dunellen and Middlesex Borough.

Monmouth County: **District 11:** Allenhurst, Asbury Park, Colts Neck, Deal, Freehold Borough, Freehold Township, Eatontown, Interlaken, Loch Arbour, Long Branch, Neptune City, Neptune Township, Ocean Township, Red Bank, Shrewsbury Borough, Shrewsbury Township, Tinton Falls, and West Long Branch. **District 12:** Allentown, Englishtown, Manalapan, Matawan, Millstone, Roosevelt, and Upper Freehold. **District 13:** Aberdeen, Atlantic Highlands, Fair Haven, Hazlet, Highlands, Holmdel, Keansburg, Keyport, Little Silver, Marlboro, Middletown, Monmouth Beach, Oceanport, Rumson, Sea Bright, and Union Beach. **District 30:** Avon-by-the-Sea, Belmar, Bradley Beach, Brielle, Farmingdale, Howell, Lake Como, Manasquan, Sea Girt, Spring Lake Borough, Spring Lake Heights, and Wall.

Morris County: **District 21:** Chatham Borough and Long Hill. **District 24:** Mount Olive. **District 25:** Boonton Town, Boonton Township, Chester Borough, Chester Township, Denville, Dover, Mendham Borough, Mendham Township, Mine Hill, Morristown, Mount Arlington, Mountain Lakes, Netcong, Randolph, Rockaway Borough, Roxbury, Victory Gardens, Wharton, and Washington. **District 26:** Butler, Jefferson, Kinnelon, Lincoln Park, Montville, Morris Plains, Parsippany-Troy Hills, and Rockaway Township. **District 27:** Chatham Township, East Hanover, Florham Park, Hanover, Harding, and Madison. **District 40:** Pequannock and Riverdale.

Ocean County: **District 9:** Barnegat Township, Barnegat Light, Beach Haven, Beachwood, Berkeley, Eagleswood, Harvey Cedars, Lacey, Little Egg Harbor, Long Beach, Ocean Township, Ocean Gate, Pine Beach, Seaside Park, South Toms River, Ship Bottom, Stafford, Surf City, and Tuckerton. **District 10:** Bay Head, Brick, Island Heights, Manchester, Lakehurst, Lavallette, Mantoloking, Point Pleasant Beach, Seaside Heights, and Toms River. **District 12:** Jackson and Plumsted. **District 30:** Lakewood and Point Pleasant.

Passaic County: **District 26:** West Milford. **District 34:** Clifton. **District 35:** Haledon, North Haledon, Paterson, and Prospect Park. **District 36:** Passaic City. **District 38:** Hawthorne. **District 39:** Bloomingdale, Ringwood, and Wanaque. **District 40:** Little Falls, Pompton Lakes, Totowa, Wayne, and Woodland Park.

Salem County: **District 3:** Entire County.

Somerset County: **District 16:** Branchburg, Hillsborough, Manville, Millstone, Montgomery, Rocky Hill, and Somerville. **District 17:** Franklin. **District 21:** Bernards, Far Hills, Warren, and Watchung. **District 22:** Green Brook and North Plainfield. **District 23:** Bedminster, Bound Brook, Bridgewater, Peapack & Gladstone, Raritan, and South Bound Brook. **District 25:** Bernardsville.

Sussex County: **District 24:** Entire County.

Union County: **District 20:** Elizabeth, Hillside, Roselle, and Union. **District 21:** Berkeley Heights, Cranford, Garwood, Kenilworth, Mountainside, New Providence, Roselle Park, Springfield, Summit and Westfield. **District 22:** Clark, Fanwood, Linden, Plainfield, Rahway, Scotch Plains, and Winfield.

Warren County: **District 23:** Alpha, Franklin, Greenwich, Hackettstown, Harmony, Lopatcong, Mansfield, Philipsburg, Pohatcong, Washington Borough, and Washington Township. **District 24:** Allamuchy, Belvidere, Blairstown, Frelinghuysen, Hardwick, Hope, Independence, Knowlton, Liberty, Oxford, and White.



WHO ARE THE CANDIDATES?

Names in Italics are incumbent candidates running for re-election

District 1

Senate: Senator *Jeff Van Drew (D)* & Susan Adelizzi Schmidt (R)

Assembly: Assemblyman *Nelson Albano (D)*, Assemblyman *Bob Andrzejczak (D)*, Freeholder Sam Fiocchi (R) & Freeholder Kristine Gabor (R)

District 2

Senate: Senator *Jim Whelan (D)* & Sheriff Frank X. Balles (R)

Assembly: Assemblyman *John Amodeo (R)*, Assemblyman *Chris A. Brown (R)*, Mayor Vincent Mazzeo (D) & Mayor Nick Russo (D)

District 3

Senate: Senate President *Steve Sweeney (D)* & Niki Trunk (R)

Assembly: Assemblyman *John Burzichelli (D)*, Assemblywoman *Celeste Riley (D)*, Freeholder Larry Wallace (R) & Freeholder Bob Vanderslice (R)

District 4

Senate: Senator *Fred Madden (D)* & Councilman Giancarlo D'Orazio (R)

Assembly: Assemblyman *Paul Moriarty (D)*, Assemblywoman *Gabriela Mosquera (D)*, Philip Dieser (R) & Theodore Liddell (R)

District 5

Senate: Senator *Donald Norcross (D)* & Keith Walker (R)

Assembly: Assemblyman *Angel Fuentes (D)*, Assemblyman *Gilbert "Whip" Wilson (D)*, David Ragonese (R) & George Wagoner (R)

District 6

Senate: Senator *Jim Beach (D)* & Sudhir Deshmukh (R)

Assembly: Assemblyman *Lou Greenwald (D)*, Assemblywoman *Pamela Lampitt (D)*, Chris Leone-Zwillinger (R) & George Fisher (R)

District 7

Senate: Senator *Diane Allen (R)* & Councilman Gary Catrambone (D)

Assembly: Assemblyman *Herb Conaway (D)*, Assemblyman *Troy Singleton (D)*, Mayor Anthony Ogozalek (R) & Jeff Banasz (R)

District 8

Senate: Senator *Dawn Marie Addiego (R)* & Javier Vasquez (D)

Assembly: Assemblyman *Chris J. Brown (R)*, Maria Rodriguez-Gregg (R), Robert McGowan (D) & Ava Markey (D)

District 9

Senate: Senator *Christopher Connors (R)* & Anthony Mazzella (D)

Assembly: Assemblyman *Brian Rumpf (R)*, Assemblywoman *DiAnne Gove (R)*, Peter Ferwerda III (D) & Christopher McManus (D)

District 10

Senate: Senator *Jim Holzapfel (R)* & John Bendel (D)

Assembly: Assemblyman *David Wolfe (R)*, Assemblyman *Gregory McGuckin (R)*, Susan Kane (D) & Amber Gesslein (D)

District 11

Senate: Senator *Jen Beck (R)* & Dr. Michael Brantley (D)

Assembly: Assemblywoman *Mary Pat Angelini (R)*, Assemblywoman *Caroline Casagrande (R)*, Councilman Edward Zipprich (D) & Mayor Kevin McMillan (D)

District 12

Senate: Senator *Sam Thompson (R)* & Raymond Dothard (D)

Assembly: Assemblyman *Ron Dancer (R)*, Assemblyman *Robert Clifton (R)*, Lawrence Furman (D) & Nicholas Nellegar (D)

District 13

Senate: Senator *Joe Kyrillos (R)* & Joseph Marques (D)

Assembly: Assemblywoman *Amy Handlin (R)*, Assemblyman *Declan O'Scanlon (R)*, Allison Friedman (D) & Matthew Morehead (D)

District 14

Senate: Senator *Linda Greenstein (D)* & Senator Peter Inverso (R)

Assembly: Assemblyman *Wayne DeAngelo (D)*, Assemblyman *Daniel Benson (D)*, Steve Cook (R) & Ronald Haas (R)

District 15

Senate: Senator *Shirley Turner (D)* & Councilman Donald Cox (R)

Assembly: Assemblyman *Reed Gusciora (D)*, Assemblywoman *Bonnie Watson Coleman (D)*, Kim Taylor (R) & Anthony Giordano (R)

District 16

Senate: Senator *Christopher "Kip" Bateman (R)* & Christian Mastondrea (D)

Assembly: Assemblyman *Jack Ciattarelli (R)*, Assemblywoman *Donna Simon (R)*, Marie Corfield (D) & Ida Ochoteco (D)



WHO ARE THE CANDIDATES?

Names in Italics are incumbent candidates running for re-election

District 17

Senate: *Senator Bob Smith (D)* & Mayor Brian Levine (R)

Assembly: *Assemblyman Upendra Chivukula (D)*, *Assemblyman Joe Egan (D)*, Carlo DiLalla (R) & Sanjay Patel (R)

District 18

Senate: *Assemblyman Peter Barnes (D)* & Mayor David Stahl (R)

Assembly: *Assemblyman Patrick Diegnan (D)*, Councilwoman Nancy Pinkin (D), Councilman Robert Bengivenga Jr. (R) & Lisa Goldhamer (R)

District 19

Senate: *Senator Joe Vitale (D)* & Councilman Robert Luban (R)

Assembly: *Assemblyman John Wisniewski (D)*, *Assemblyman Craig Coughlin (D)*, Arif Khan (R) & Stephanie Ziemba (R)

District 20

Senate: *Senator Ray Lesniak (D)*

Assembly: *Assemblyman Joe Cryan (D)*, *Assemblywoman Annette Quijano (D)*, Charles Donnelly (R) & Christopher Hackett (R)

District 21

Senate: *Senator Tom Kean, Jr. (R)* & Michael Komondy (D)

Assembly: *Assemblyman Jon Bramnick (R)*, *Assemblywoman Nancy Munoz (R)*, Norman Albert (D) & Jill Anne Lazare (D)

District 22

Senate: *Senator Nick Scutari (D)* & Mayor Robert Sherr (R)

Assembly: *Assemblywoman Linda Stender (D)*, *Assemblyman Jerry Green (D)*, Councilman Jeffrey First (R) & John Campbell (R)

District 23

Senate: *Senator Michael Doherty (R)* & Gerard Bowers (D)

Assembly: *Assemblyman Erik Peterson (R)*, *Assemblyman John DiMaio (R)*, John Valentine (D) & Ralph Drake (D)

District 24

Senate: *Senator Steven Oroho (R)* & Richard Tomko (D)

Assembly: *Assemblywoman Alison Littell McHose (R)*, *Assemblyman Parker Space (R)*, Susan Williams (D), & Bill Weightman (D)

District 25

Senate: *Senator Tony Bucco (R)* & Maureen Castriotta (I)

Assembly: *Assemblyman Michael Patrick Carroll (R)*, *Assemblyman Anthony Bucco (R)*, Rebecca Feldman (I) & Jack Curtis (I)

District 26

Senate: *Senator Joe Pennachio (R)* & Avery Ann Hart (D)

Assembly: *Assemblyman Jay Webber (R)*, *Assemblywoman BettyLou DeCroce (R)*, Elliot Isibor (D) & Joseph Raich (D)

District 27

Senate: *Governor Dick Codey (D)* & Lee Holtzman (R)

Assembly: *Assemblyman John McKeon (D)*, *Assemblywoman Mila Jasey (D)*, Councilman Angelo Tedesco (R) & Committeewoman Laura Ali (R)

District 28

Senate: *Senator Ron Rice (D)* & Frank Contella (R)

Assembly: *Assemblyman Ralph Caputo (D)*, *Assemblywoman Cleopatra Tucker (D)*, James Boydston (R) & Peter Manning (R)

District 29

Senate: *Senator Teresa Ruiz (D)* & Raafat Barsoom (R)

Assembly: *Assemblywoman L. Grace Spencer (D)*, Eliana Pintor Marin (D), Elaine Guarino (R) & Aracelis Sanabria Tejada (R)

District 30

Senate: *Senator Robert Singer (R)* & William Field (D)

Assembly: *Assemblyman Sean Kean (R)*, *Assemblyman David Rible (R)*, Lorelei Rouvrais (D) & Jimmy Esposito (D)

District 31

Senate: *Senator Sandra Bolden Cunningham (D)* & Maria Karczewski (R)

Assembly: *Assemblyman Charles Mainor (D)*, *Assemblyman Jason O'Donnell (D)*, Gerard Pizzillo (R) & Juanita Lopez (R)

District 32

Senate: *Senator Nick Sacco (D)* & Paul Castelli (R)

Assembly: *Assemblyman Vincent Prieto (D)*, *Assemblywoman Angelica Jimenez (D)*, Maria Malavasi-Quartello (R) & Lee Marie Gomez (R)

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WHO ARE THE CANDIDATES?

Names in Italics are incumbent candidates running for re-election

District 33

Senate: *Senator Brian Stack (D)* & James Sanford (R)

Assembly: Carmelo Garcia (D), Raj Mukherji (D), Jude Anthony Tiscornia (R) & Armando Hernandez (R)

District 34

Senate: *Senator Nia Gill (D)* & Joseph Cupoli (R)

Assembly: *Speaker Sheila Oliver (D)*, *Assemblyman Tom Giblin (D)*, David Rios (R) & Michael Urciouli (R)

District 35

Senate: *Senator Nellie Pou (D)* & Lynda Gallashaw (R)

Assembly: *Assemblywoman Shavonda Sumter (D)*, *Assemblyman Benjie Wimberly (D)*, Rhina Tavarez (R) & Maria Del Pilar Rivas (R)

District 36

Senate: *Senator Paul Sarlo (D)* & Brian Fitzhenry (R)

Assembly: *Assemblyman Gary Schaer (D)*, *Assemblywoman Marlene Caride (D)*, Rosina Romano (R) & Foster Lowe (R)

District 37

Senate: *Senator Loretta Weinberg (D)* & Paul Duggan (R)

Assembly: *Assemblywoman Valerie Vainieri Huttle (D)*, *Assemblyman Gordon Johnson (D)*, Gino Tessaro (R) & Dierdre Paul (R)

District 38

Senate: *Senator Bob Gordon (D)* & Fernando Alonso (R)

Assembly: *Assemblyman Tim Eustace (D)*, Councilman Joe Lagana (D), Joan Fragala (R) & Mayor Joe Scarpa (R)

District 39

Senate: *Senator Gerald Cardinale (R)* & Jane Bidwell (D)

Assembly: *Assemblywoman Holly Schepisi (R)*, Bob Auth (R), Anthony Iannarelli Jr. (D) & Donna Abene (D)

District 40

Senate: *Senator Kevin O'Toole (R)* & William Meredith Ashley (D)

Assembly: *Assemblyman Scott Rumana (R)*, *Assemblyman David Russo (R)*, Anthony Galletti (D) & Leo Arcuri (D)

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FINISH



2013 CANDIDATE SURVEY QUESTIONS

Every year, NJGCA sends out a survey to the prospective candidates for office. This year, almost 50% of the candidates, both incumbents and challengers, responded to the NJGCA Candidate Survey. This shows just how seriously candidates are taking this election and how important the votes of the small business community are. Below are the exact questions asked of every candidate, followed by a chart showing their responses. In some cases, candidates wrote in special notes clarifying their answers. Those answers are shown with a footnote on the chart and are explained below.

1. Zone pricing is a discriminatory practice used by certain oil companies and gasoline distributors that charge greatly varying wholesale prices to some retailers at the expense of motorists. Zone pricing occurs when big oil companies and mega distributors carve the state into many invisible, secret zones, and sell gasoline at prices to some retailers that are significantly higher than the prices they charge other retailers for the exact same product. Motorists that patronize these gas stations which are being subjected to zone pricing are then forced to pay more to fill up their tanks, sometimes as much as 30 cents a gallon. A-2729/S-2856 bans the practice of Zone Pricing of gasoline. Do you support A-2729/S-2856?

2. Major car manufacturers continue to deny independent repair shops the technical information and codes necessary to repair modern computer-managed vehicles. The goal of the Right to Repair movement is to ensure car owners and independent repairers have access at a fair market price to purchase the same diagnostic and repair information and diagnostic scan tools that manufacturers provide to their franchise car dealerships. "Right to Repair" legislation would provide an even playing field and allow consumers the ability to choose when, where, and how their car is repaired. Do you support a motor vehicle owner's "Right to Repair"?

3. In the months since Superstorm Sandy and the gas crisis that followed, there have been several bills introduced which would mandate that motor fuel retailers purchase and install backup generators. The cost of these generators for stations typically ranges between ten and thirty thousand dollars. However, the reason for the gas crisis after Sandy was not a lack of electricity at gas stations; rather it was the inability to get gasoline delivered due to severe storm damage to the refineries and distribution terminals in North Jersey. Do you believe the state should mandate motor fuel retailers purchase and install backup power generators?

4. The "Reduce Plastic & Paper Bag Usage Act" (S-812/A-3787) is a proposal that would require almost every retailer that gives its customers disposable plastic or paper bags to charge the customer 5 cents per bag and spend the money on environmental cleanup in the Barnegat Bay. In order to pay the tax, businesses would be responsible for keeping track of the hundreds of millions of bags given out throughout the state. There is also the issue of enforcing the tax. Washington DC recently implemented a similar tax and enforces it with a secret shopper program, but expanding such a program at a state level would be costly. Do support the implementation of a tax on plastic and/or paper disposable bags?

5. New Jersey currently has laws which prohibit the sale of gasoline "below cost" a practice that is supported by big box chain retailers like Costco. Any elimination or weakening of these laws would allow the big box chains to undercut smaller retailers and force these small businesses to close. Once competition is eliminated these chains would be able to dramatically increase gasoline prices to consumers. Do you support allowing businesses to sell gasoline "below cost"?

6. S-2810/A-4135 is a proposal to raise the age limit on the sale of tobacco products from 19 to 21. Modeled after a similar proposal put forth in New York City, it seeks to reduce the number of smokers by banning the sale of tobacco

to adults aged 19 and 20. The bill does not penalize the purchase of tobacco products by individuals under 21, it only penalizes the acting of selling, effectively relying on businesses and their counter clerks to check for valid IDs from individuals who are usually treated as legal adults. Do you support this proposal to ban the sale of tobacco products to individuals under 21?

7. Currently, in order to purchase lottery tickets, consumers must visit an authorized New Jersey Lottery vendor (typically a grocery store, convenience store, or deli) to make their purchase. Some have proposed allowing the sale of lottery tickets over the internet. Lottery retailers use ticket sales as a tool to increase foot-traffic inviting customers to purchase higher margin items such as coffee inside their stores. If customers can purchase lottery tickets online, they will be less likely to walk into brick and mortar stores. Would you support the implementation of online lottery sales?

8. Most emissions inspections in NJ are performed at Central Inspections Facilities (CIFs), costing the state over \$30 million a year. NJ has the most expensive and inefficient system in the country to inspect motorists cars. Drivers can have their emissions tested at Private Inspection Facilities (PIFs). The state can save millions of dollars a year at little relative cost to motorists, if the CIFs are closed and requiring all emissions tests to be performed at PIFs, as it is done in neighboring states. Once they are closed the valuable commercial real estate now occupied by CIFs can be sold for several hundreds of millions of dollars. Do you support closing CIFs and changing to an all PIF inspection system?

9. Credit Card interchange fees have become one the largest expenses a business incurs. Visa and MasterCard have created a virtual monopoly and are able to do business by charging whatever rate they want without negotiating with the businesses who accept their cards. They have become so entrenched in the modern economy that it is inconceivable for a small business to choose not to accept credit cards. Not doing so is the equivalent of not accepting cash in many instances. Would you be willing to support legislation that would inject more competition into the credit card fee marketplace thereby reducing the fees that business must pass on to consumers?

10. As cars get better gas mileage and more consumers adopt alternate energy vehicles, they purchase fewer gallons of gas, which means the state collects less gas tax. One proposed solution to this problem is to institute a mileage tax, in which residents pay a fee for every mile they drive. This has raised privacy as well as enforcement concerns. If the mileage tax were to replace the gas tax, it would mean a decline in the pump price of as much as 14 cents per gallon. Would you support the replacement of the state gas tax with a state mileage tax?

11. For decades New Jersey has been one of only two states which prohibit motorists from being able to pump their own gas. Those who want to maintain this rule believe that it is a part of "New Jersey Culture" and provides convenience for consumers who don't want to get out of their cars to pump gas. Those who want to bring NJ in line with the other 48 states say that permitting motorists to pump their own gas will reduce the price at the pump, and speed up the time motorists have to spend waiting to be served. Motorists should be trusted to fill up their own vehicles if they so choose. Would you support a bill that eliminated New Jersey's prohibition on self serve gasoline?

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2013 CANDIDATE SURVEY RESULTS

Name	Office	Incumbent	District	Party	1. Ban Zone Pricing?	2. Support Right to Repair?	3. Create Generator Mandate?	4. Support Plastic Bag Tax?	5. Allow Below Cost Selling?	6. Ban Tobacco Sales to those under 21?	7. Support Internet Lottery?	8. Support Inspection Privatization?	9. Support Credit Card Fee legislation?	10. Replace gas tax with mileage tax?	11. Allow self serve?		
Susan Adelizzi-Schmidt	Senate		1	R	Yes	Yes	No	No	No	No	Yes	Yes	No	No			
Sam Fiocchi	Assembly		1	R	Yes	Yes	No	No	No	No	Yes	Yes	No	No			
Kristine Gabor	Assembly		1	R	Yes	Yes	No	No	?	No	Yes	Yes	No	No			
Frank Balles	Senate		2	R	Yes	Yes	No	No	No	No	Yes	Yes	No	No			
John Amodeo	Assembly	*	2	R	Yes	Yes	Yes[1]	No	No	No	Yes	No [2]	Yes	No	No		
Chris A. Brown	Assembly	*	2	R	Yes	?	No	No	No	Yes [3]	?	?	Yes	No	No		
Fred Madden	Senate	*	4	D	Yes	Yes	?	?	No	?	No	?	No	No			
Paul Moriarty	Assembly	*	4	D	Yes	Yes	Yes[1]	No	?	?	No	?	?	?	No		
Gabriela Mosquera	Assembly	*	4	D	Yes	Yes	?	No	No	?	No	No	?	No	No		
Phil Dieser	Assembly		4	R	Yes	Yes	No	No	No	No	Yes [4]	Yes	No	No			
Jim Beach	Senate	*	6	D	Yes	No	No	No	No	Yes	No	Yes	No	No			
Lou Greenwald	Assembly	*	6	D	?	?	No	No [5]	No	No	?	?	?	?	No		
Pamela Lampitt	Assembly	*	6	D	?	?	No	?	No	No	?	?	?	?	No		
Diane Allen	Senate	*	7	R	Yes	Yes	No	No	No	No	No	?	[6]	Yes	No	No	
Gary Catrambone	Senate		7	D	Yes	Yes	No	No	No	No	No	No	Yes	No	No		
Herb Conaway	Assembly	*	7	D	Yes	Yes	No	No	No	No	Yes	No	Yes	No	No		
Troy Singleton	Assembly	*	7	D	RF	RF	RF	RF	RF	RF	RF	RF	RF	RF	RF		
Javier Vasquez	Senate		8	D	Yes	Yes	No	No	No	Yes	No	Yes	Yes	No	Yes		
Robert McGowan	Assembly		8	D	Yes	Yes	No	No	No	No	No	No	Yes	No	No		
Chris Connors	Senate	*	9	R	Yes	?	No	No	No	?	No	Yes	?	No	No		
Brian Rumpf	Assembly	*	9	R	Yes	?	No	No	No	?	No	Yes	?	No	No		
DiAnne Gove	Assembly	*	9	R	Yes	?	No	No	No	?	No	Yes	?	No	No		
Christopher McManus	Assembly		9	D	Yes	Yes	No	No	No	No	Yes	Yes	No	No			
Jim Holzapfel	Senate	*	10	R	Yes	No	Yes [7]	No	No	No	No	Yes	Yes	No	No		
Dave Wolfe	Assembly	*	10	R	Yes	No	Yes [7]	No	No	No	No	Yes	Yes	No	No		
Greg McGuckin	Assembly	*	10	R	Yes	No	Yes [7]	No	No	No	No	Yes	Yes	No	No		
Susan Kane	Assembly		10	D	Yes	Yes	No	No	No	Yes	No	No	Yes	No	No		
Amber Gesslein	Assembly		10	D	Yes	Yes	Yes	No	No	Yes	No	Yes	Yes	No	Yes		
Jen Beck	Senate	*	11	R	Yes	Yes	No	No	No	No	?	?	Yes	No	Yes		
Mary Pat Angelini	Assembly	*	11	R	Yes	Yes	?	No	?	Yes [3]	?	Yes [8]	Yes	No	Yes [9]		
Caroline Casagrande	Assembly	*	11	R	?	Yes	?	[1]	No	?	No	Yes [10]	?	[8]	Yes	No	No
Sam Thompson	Senate	*	12	R	Yes	Yes	No	No	No	No	?	Yes	Yes	Yes	No	No	
Raymond Dothard	Senate		12	D	Yes	Yes	?	No	No	Yes	No	Yes	Yes	No	Yes		
Rob Clifton	Assembly	*	12	R	Yes	Yes	No	No	No	No	No	No	Yes	No	No		
Ron Dancer	Assembly	*	12	R	Yes	?	No	No	No	No	No	Yes	Yes	No	No		
Amy Handlin	Assembly	*	13	R	Yes	Yes	No	No	No	No	No	Yes	Yes	No	No		
Linda Greenstein	Senate	*	14	D	Yes	Yes	Yes [1,7]	?	[11]	No	Yes [3]	No	No	Yes	No	?	[9]
Peter Inverso	Senate		14	R	Yes	Yes	No	No	No	No	No	Yes	Yes	No	No		
Dan Benson	Assembly	*	14	D	Yes	Yes	Yes [1,7]	?	?	No	Yes [3]	No	No	Yes	No	?	
Shirley Turner	Senate	*	15	D	Yes	?	No	No	No	Yes	No	?	Yes	?	No		
Don Cox	Senate		15	R	Yes	Yes	No	No	No	No	No	No	Yes	No	No		
Bonnie Watson Coleman	Assembly	*	15	D	Yes	Yes	Yes [1]	No	No	Yes	No	No	Yes	No	No		
Reed Gusciora	Assembly	*	15	D	Yes	Yes	No	?	?	No	Yes [3]	No	No	Yes	?	No	
Anthony Giordano	Assembly		15	R	No	Yes	No	No	Yes	No	Yes	Yes	Yes	No	Yes		
Kip Bateman	Senate	*	16	R	Yes	Yes	No	?	?	No	No	Yes	Yes	No	No		
Bob Smith	Senate	*	17	D	Yes	Yes	No	Yes	?	?	?	Yes	Yes	?	No		
Upendra Chivukula	Assembly	*	17	D	Yes	Yes	No	No	No	Yes	No	No	Yes	No	No		
Peter Barnes	Senate		18	D	Yes	Yes	Yes	No	No	No	No	No	Yes	No	No		
Patrick Diegnan	Assembly	*	18	D	Yes	Yes	No	No	No	?	No	Yes	Yes	No	?		
Nancy Pinkin	Assembly		18	D	Yes	Yes	No	?	?	No	Yes	No	Yes	No	No		
Joe Vitale	Senate	*	19	D	?	Yes	No	Yes	No	Yes	No	?	Yes	?	No		
Robert Luban	Senate		19	R	Yes	Yes	No	No	No	No	Yes	No	?	No	No		
Craig Coughlin	Assembly	*	19	D	Yes	Yes	No	No	No	Yes	No	No	No	?	No		
Stephanie Ziemba	Assembly		19	R	Yes	Yes	No	No	?	?	No	Yes	Yes	No	No		
Jill Lazare	Assembly		21	D	Yes	Yes	Yes	Yes	No	No	No	No	Yes	No	No		
Mike Doherty	Senate	*	23	R	Yes	Yes	No	No	Yes	No	No	Yes	Yes	No	Yes		
Gerard Bowers	Senate		23	D	Yes	Yes	No	No	No	No	No	Yes	Yes	No	Yes		

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Name	Office	Incumbent	District	Party	1. Ban Zone Pricing?	2. Support Right to Repair?	3. Create Generator Mandate?	4. Support Plastic Bag Tax?	5. Allow Below Cost Selling?	6. Ban Tobacco Sales to those under 21?	7. Support Internet Lottery?	8. Support Privatization?	9. Support Credit Card Fee legislation?	10. Replace gas tax with mileage tax?	11. Allow self serve?	
John DiMaio	Assembly	*	23	R	Yes	Yes	No	No	No	No	Yes	Yes	No	Yes		
Erik Peterson	Assembly	*	23	R	?	?	No	No	?	No	No	No	Yes	No	No	
Richard Tomko	Senate		24	D	Yes	Yes	No	No	No	Yes	No	Yes	Yes	No	Yes	
Alison Littell McHose	Assembly	*	24	R	Yes	?	No	No	No	No	No	Yes	Yes	No	No	
Parker Space	Assembly	*	24	R	Yes	Yes	No	No	No	No	No	Yes	Yes	No	No	
Anthony R. Bucco	Senate	*	25	R	Yes	Yes	No	No	?	No	?	[10]	Yes [12]	Yes	No	Yes
Michael Patrick Carroll	Assembly	*	25	R	No*	No*	No	No	?	No	Yes	Yes	?	Maybe	Yes	
Anthony M. Bucco	Assembly	*	25	R	Yes	Yes	No	No	?	No	?	[10]	Yes [12]	?	No	Yes
Joe Pennachio	Senate	*	26	R	RF	RF	RF	RF	RF	RF	RF	RF	RF	RF	RF	RF
Jay Webber	Assembly	*	26	R	RF	RF	RF	RF	RF	RF	RF	RF	RF	RF	RF	RF
BettyLou DeCroce	Assembly	*	26	R	Yes	?	Yes [1,7]	No	No	?	No	Yes	Yes	No	No	
Elliot Isibor	Assembly		26	D	Yes	Yes	?	No	No	Yes [3]	No	No	Yes	Yes	Yes	
Joseph Raich	Assembly		26	D	Yes	Yes	Yes	No	?	No	No	Yes	Yes	No	Yes [9]	
John McKeon	Assembly	*	27	D	Yes	Yes	No	Yes	No	Yes	No	Yes	Yes	No	Yes	
Ron Rice	Senate	*	28	D	Yes	Yes	No	No	No	No	No	No	Yes	No	No	
Ralph Caputo	Assembly	*	28	D	Yes	Yes	Yes	No	No	Yes	No	?	?	No	No	
William Field	Senate		30	D	Yes	Yes	No	Yes	No	Yes	No	No	Yes	No	No	
Sean Kean	Assembly	*	30	R	Yes	Yes	No	No	No	Yes	No	Yes	Yes	No	No	
Dave Ribble	Assembly	*	30	R	Yes	Yes	No	No	No	No	No	?	Yes	No	Yes [9]	
Juanita Lopez	Assembly		31	D	?	?	No	Yes	?	?	No	Yes	Yes	Yes	Yes	
Armando Hernandez	Assembly		33	R	Yes	Yes	No	No	No	No	No	Yes	Yes	?	Yes	
Tom Giblin	Assembly	*	34	D	Yes	Yes	No	No	No	No	No	Yes	Yes	?	Yes	
Michael Urciuoli	Assembly		34	R	Yes	Yes	No	No	No	Yes	No	Yes	Yes	No	Yes	
Nellie Pou	Senate	*	35	D	Yes	Yes	No	No	No	Yes	No	Yes	Yes	No	No	
Shavonda Sumter	Assembly	*	35	D	Yes	Yes	Yes	No	No	Yes	No	No	Yes	No	Yes	
Marlene Caride	Assembly	*	36	D	Yes	Yes	No	No	No	No	No	Yes	Yes	No	Yes	
Foster Lowe	Assembly		36	R	?	?	No	No	No	No	No	Yes	Yes	No	Yes	
Loretta Weinberg	Senate	*	37	D	Yes	Yes	No	?	No	Yes	No	No	Yes	No	No	
Paul Duggan	Senate		37	R	Yes	Yes	No	No	No	No	No	Yes	Yes	No	Yes	
Valerie Vainieri Huttle	Assembly	*	37	D	Yes	Yes	No	No	No	?	[3]	No	No	Yes	No	No
Gordon Johnson	Assembly	*	37	D	Yes	Yes	No	No	No	No	No	No	No	?	No	No
Diedre Paul	Assembly		37	R	Yes	Yes	No	No	Yes	Yes	No	No	Yes	No	No	
Bob Gordon	Senate	*	38	D	Yes	No	No	No	No	No	No	Yes	Yes	No	No	
Fernando Alonso	Senate		38	R	Yes	Yes	No	No	No	No	No	Yes	Yes	No	?	
Gerald Cardinale	Senate	*	39	R	Yes	Yes	No	No	No	No	No	No	Yes	No	Yes	
Holly Schepisi	Assembly	*	39	R	Yes	Yes	?	No	No	No	No	No	Yes	?	No	Yes
Robert Auth	Assembly		39	R	Yes	Yes	No	No	Yes	No	No	?	Yes	No	Yes	
Donna Abene	Assembly		39	D	Yes	Yes	No	?	No	?	No	?	Yes	No	No	
David Russo	Assembly	*	40	R	Yes	Yes	No	No	No	No	No	Yes	Yes	No	No	
Chris Christie	Governor	*	NJ	R	RF	RF	RF	RF	RF	RF	RF	RF	RF	RF	RF	RF

Green indicates they agree with NJGCA's position, Red indicates they do not

? Means they are unsure at this time

RF means they have a policy of refusing to answer surveys

Questions 10 & 11 NJGCA did not score right or wrong, we are simply reporting their positions so that you may make a more informed decision

[1] Only if the state provides significant funding to businesses to offset the cost

[2] Concerned there aren't enough PIFs, would support a study in advance of Parsons contract expiration in 2016.

[3] Would be willing to consider changes that punish the buyer

[4] As long as there are price controls

[5] I would rather see recycle programs done voluntarily by stores

[6] If the state were to offset the cost to the consumer, I would support it

[7] If newly constructed or near a major highway

[8] Must ensure there are enough PIFs and minimal costs to consumers

[9] Only if it can be demonstrated the savings will be passed to the consumer

[10] Only if there are some protections for retailers

[11] I supported this bill but feel it still needs work

[12] Only if it is done gradually over time

2013 CANDIDATE SURVEY RESULTS



WHAT ISSUES DID LEGISLATORS VOTE ON?

We have only included those bills which came up for a vote within the past two years. Some bills have only been voted on by one chamber and not the other.

Minimum Wage Increase to \$8.50 an Hour

At the start of this legislative session, the leadership of the Senate and the Assembly determined that increasing New Jersey's minimum wage, currently \$7.25 an hour, would be a top priority. This proposal would have increased the minimum wage the following year to \$8.50 an hour. Perhaps most significantly, the bill included a provision that would have automatically increased the minimum wage every year based on increases in the Consumer Price Index (CPI). It was estimated that with this provision, the minimum wage would shoot to \$9.49 in 2017.

NJGCA opposed this legislation. While most businesses in our industries already pay their employees more than the minimum wage, an increase will reverberate up the pay scale and the rest of your employees will be asking for more money. The most significant part of this proposal though is the automatic yearly increases. Businesses don't have guaranteed increases in yearly profits, it is unfair to hoist upon them yearly increases in their expenses. It would be particularly painful during a recession when businesses are struggling just to survive. It takes away funds that could otherwise be used to hire more employees, provide lower prices for consumers, or invested in the growth of the business.

The primary sponsors of this bill, S-3/A-2162, were Senate President Steve Sweeney (D-3), Senators Joe Vitale (D-19) and Dick Codey (D-27), Assembly Speaker Sheila Oliver (D-34), and Assemblymen Lou Greenwald (D-6), Jerry Green (D-22), Gordon Johnson (D-37), Vincent Prieto (D-32) and John Wisniewski (D-19). The bill passed the Senate 23-16 on 11/29/12, passed the Assembly 44-31-1 on 12/03/12, and was conditionally vetoed by Governor Christie on 1/28/13. A **NO** vote supported NJGCA's position.

Minimum Wage Constitutional Amendment

Since Governor Christie had publically made clear that he was opposed to automatic increases in the minimum wage, Legislative Leadership began laying the groundwork to increase the minimum wage by going around him entirely: amending the state Constitution. In order to amend the Constitution, a majority of each house of the Legislature must pass the amendment two years in a row; the first vote was held at the end of 2011. In January 2013, Governor Christie issued a conditional veto of the original minimum wage bill, rewriting it to change the increase to \$8.25 an hour, spread over two years, and with no automatic increases. Rather than compromise and pass the Governor's version of the minimum wage increase, the Legislature instead passed this amendment a second time. It would permanently write into the state Constitution that the minimum wage will be raised to \$8.25 an hour, and every year it will be increased based on increases in the CPI. It is estimated that by 2017 the minimum wage will be \$8.96 per hour. In order for the increase to become law, voters must approve it in November.

NJGCA opposed this bill requesting voters amend the Constitution. In addition to the previously mentioned arguments against a minimum wage hike with automatic increases, the state Constitution is simply not the place for policy debates or end runs around the Governor. The Constitution is there to lay out the founding principles of the state government. The whole reason that we have legislators and a governor is for them to sort out these issues, not put everything before the voters. If you lose a policy fight because of the strength of the opposition, then you must go to the voters and ask them to vote out your opponents. Amending the Constitution like this sets a terrible precedent as well. Because these increases would be constitutionally required, future state elected officials would be unable to suspend them should there be another economic crisis like we saw in 2008.

The primary sponsors of this bill, SCR-1/ACR-168, were Senate President Steve Sweeney (D-3), Senator Shirley Turner (D-15), Speaker Sheila Oliver (D-34) and Assemblymembers Tim Eustace (D-38) and Grace Spencer (D-29). The bill passed the Senate on 02/07/13 by 22-15 and passed the Assembly on 02/14/13 by 46-31. A **NO** vote supported NJGCA's position.

State Income Tax Increase

For the past several years, Legislative Leadership has had the goal of increasing the state income tax on the largest earners in the state. Since 2010, Governor Christie has consistently stopped these taxes from increasing. In 2012, as part of the Fiscal Year 2013 Budget, This bill was passed by the Legislature. It would have increased the state income tax rate from 8.97% to 10.75% for incomes exceeding one million dollars. The money would have been used for larger property tax rebates.

NJGCA opposes tax increases on businesses and business owners. Businesses should be allowed to keep more of what they earn so they can invest it in their own growth. New Jersey is already one of the most overtaxed states in the nation, and continuing to increase rates will just encourage more and more people to flee to lower tax environments, from Pennsylvania to Florida. When the largest income earners leave, we all lose because the state must squeeze more money from those who are left.

The primary sponsors of this bill, S-1147/A-3201, were Senators Shirley Turner (D-15) and Linda Greenstein (D-14) and Assemblyman Lou Greenwald (D-6). It passed the Assembly on 06/25/12 by 47-31, passed the Senate on 06/28/12 by 24-16, and was vetoed by the Governor on 7/30/12. A **NO** vote supported NJGCA's position.

Gift Card Bill

This bill repealed changes made to New Jersey's escheat laws that were passed in 2010. The changes made it so that the state would consider any money left on a gift card that hadn't been used for 2 years as 'unclaimed property' which it would then



WHAT ISSUES DID LEGISLATORS VOTE ON? (CONTINUED)

seize. If the consumer who had the card used it after the money had been taken, then the retailer who sold them the card would have to jump through regulatory hoops in order to get the money back. The law also required that every time a consumer bought a gift card, the retailer would be expected to collect their zip code. The biggest gift card providers in the state had come forward to say that this was too onerous for them, and as a result they would no longer sell gift cards in New Jersey without a change in the law. This bill extends the amount of time a gift card must go unused from two to five years. Once those five years of inactivity have passed the state may only collect 60% of the money that was last left on the card instead of all of it. The aspect requiring the collection of zip codes has been pushed back to 2016.

NJGCA supported this bill. Gift cards have become increasingly popular at retail stores, including convenience stores. Pushing back the amount of time before the funds are collected by the state and pushing back the zip code collection requirement were important provisions that will ensure retailers can continue to sell gift cards with a minimum of effort. While we would have preferred the state eliminate the zip code provision altogether, there is still plenty of time to get that accomplished.

The primary sponsors of this bill were Senators Paul Sarlo (D-36) and Fred Madden (D-4) and Assemblymen Pat Diegnan (D-18) and Declan O'Scanlon (R-13). The bill passed the Senate 40-0 on 06/25/12, passed the Assembly 77-1 on 06/25/12 and was signed into law by the Governor on 6/29/12. A **YES** vote supported NJGCA's position.

Increased Penalties for Cigarette Smuggling

Cigarette smuggling has grown into a very serious problem in New Jersey. As a result of the state's extremely high tax on cigarettes, more and more people are smuggling in counterfeit cigarettes and/or cigarettes from lower tax states, especially Virginia. Criminals engaging in this have ranged from the mom and pop owner of a deli to organized crime operations, even to individuals with ties to terrorist groups in the Middle East. In order to combat this, the Legislature created this bill, which increases the civil and criminal penalties on smuggling.

NJGCA supported this bill because smuggling hurts the thousands of small business owners who are trying to eke out a profit playing by the rules. These are hardworking people who believe that their business can prosper in a free and fair market. But their ability to do business is being undercut by individuals with no compunction against circumventing the law to give themselves an unfair advantage; at the expense of the state and at the expense of honest business owners.

The primary sponsors of this bill, S-2516/A-3278, are Senators Donald Norcross (D-5), Steve Oroho (R-24), and Assemblymembers Amy Handlin (R-13), Peter Barnes (D-18), and Tony M. Bucco (R-25). The bill passed the Senate 40-0 on 06/20/13, passed the Assembly 74-0 on 06/20/13 and was signed into law by Governor Christie on 08/19/13. A **YES** vote supported NJGCA's position.

Lottery Privatization Approval

Last year, rumors began circulating that the Governor was interested in privatizing the state lottery as a way of generating more money for the state. The Administration was thinking that bringing in a private company, operating with a profit motive, would generate more revenue and reduce costs to the state. Legislative Leadership was skeptical, and created this bill to require that a privatization of the lottery be specifically approved by the Legislature. It was eventually revealed that the Governor's Administration only planned to privatize the marketing of the lottery, and therefore wouldn't have been subject to this bill even if it had become law.

NJGCA supported this bill because of our staunch opposition to internet lottery. We feared that if it were left entirely up to a private company, they may turn to internet lottery as a way to raise money, at the expense of sales at retailers who depend on lottery tickets to increase foot traffic. While NJGCA would be one of the first to talk about the benefits of privatization in general, this bill would have been useful in providing an extra check to ensure that a theoretical privatization of the lottery would have been in the best interest of small businesses.

The primary sponsors of the bill, S-2422/A-3614, were Senators Loretta Weinberg (D-37), Barbara Buono (D-18) and Assemblymembers Vincent Prieto (D-32), Dan Benson (D-14), Patrick Diegnan (D-18), Wayne DeAngelo (D-14), John Wisniewski (D-19), and Bonnie Watson Coleman (D-15). It was passed by the Assembly 45-29 on 01/28/13, passed by the Senate 23-16 on 03/18/13, and vetoed by the Governor on 05/06/13. A **YES** vote supported NJGCA's position.

TEACH-NJ Act

The Teacher Effectiveness and Accountability for the Children of New Jersey Act is a broad overhaul of the state's teacher tenure system, the first in over a century. It provides greater support for helping teachers improve their abilities and ties the awarding and maintaining of tenure to a teacher's consistent effectiveness in the classroom.

NJGCA supported this bill because it takes meaningful action to reform and improve the public education system in this state. NJGCA believes strongly that education issues are business issues because today's students are tomorrow's employees. If they don't graduate with a quality education, it is your business that will suffer.

The primary sponsors of the bill, S-1455/ were Senators Teresa Ruiz (D-29), Kevin O-Toole (R-40), and Assemblymembers Patrick Diegnan (D-18), Ralph Caputo (D-28), Jay Webber (R-26), Al Coutinho (D-29), Mila Jasey (D-27), Bonnie Watson Coleman (D-15), and Craig Coughlin (D-19). A **YES** vote supported NJGCA's position.

Ban on Credit Card Surcharges

Early in the year Visa and MasterCard announced that as part of a lawsuit settlement, they would begin allowing retailers to institute additional surcharges on customers who use their



WHAT ISSUES DID LEGISLATORS VOTE ON? (CONTINUED)

cards. There were a variety of strings and conditions attached that effectively made it so that almost no retailers would want or be able to charge their customers surcharges. A variety of legislators feared this change in the law would unfairly hurt consumers.

NJGCA was originally concerned that this bill would lead to a ban on gas stations providing discounts for customers paying in cash. Thankfully it was amended in Committee to specifically allow cash discounts for gas. However, the way this amendment was written meant it would essentially ban all other retailers from providing cash discounts. NJGCA feels this is an unfair restriction on private enterprises' ability to do business with their customers. There is almost no threat of surcharges becoming widespread simply because consumers will not patronize businesses that employ surcharges. In the several months since surcharges became allowable, no business has been reported to have begun charging them.

The prime sponsors of the bill, S-2533, are Senators Jim Whelan (D-2), Bob Gordon (D-38), Nia Gill (D-34), Nick Sacco (D-32), Donald Norcross (D-5) and Teresa Ruiz (D-29). The bill was passed by the Senate 31-4 on 02/07/13. Before it was voted on, there was a motion to amend the bill by Senator Tom Kean, Jr. (R-21) which would have extended the cash discounts protection provision to all retailers. That vote, which failed 14-23, is the one scored. The bill has not been voted on in the Assembly. A **NO** vote supported NJGCA's position.

Restriction on Gas Retailers' Ability to Restrict Sales During an Emergency

During the gas crisis that followed Superstorm Sandy, one gas retailer apparently made the decision to restrict the sales of his limited supply of gasoline only to residents of the town his business was located in. This bill would legally prohibit retailers from making this decision again in the future.

NJGCA opposes this bill as an unnecessary overreaction to a very small problem. While NJGCA does think this retailer made a dumb decision, it was ultimately his decision to make to try and alleviate the lines that were forming at his station. Any customers he turned away who were offended by that action have the freedom to refuse him patronage going forward.

The prime sponsors of this bill, S-2391, are Senators Loretta Weinberg (D-37) and Jim Holzapfel (R-10). The bill was passed by the Senate 39-0 on 03/18/13. The bill has not been voted on in the Assembly. A **NO** vote supported NJGCA's position.

Zero Interest Loans for Generator Hookups

After Superstorm Sandy many legislators rushed to introduce legislation that would mandate gas stations have backup power generation in order to prevent another gas crisis like that seen in North Jersey in the two weeks after the storm. However, the real cause of that gas crisis wasn't a lack of power; it was an inability to deliver gas to retailers. The storm surge was so massive it knocked out the refineries and terminals throughout

North Jersey, forcing distributors to go much farther, thereby limiting the number of deliveries they could make in a day. Stations would get their power back on, sell out of fuel in a few hours, and be forced to close back down until they could get a delivery. This bill creates a voluntary pilot program that provides zero interest loans of up to \$10,000 to certain stations so that they can install the appropriate wiring and transfer switched to make them "generator ready".

NJGCA supported this bill because it is a voluntary program that can help those stations that are interested in backup power generation. Most of the other bills proposed after Sandy mandated that stations must have generators; some were willing to provide loans, and others didn't deal at all with how they would be paid for. It's important to remember that full installation of generator power can cost over \$30,000. Just installing the wiring and switches, which is what this program will cover, is much more affordable.

The prime sponsors of this bill, A-3930/S-2890, are Assemblymembers Annette Quijano (D-20), Joe Cryan (D-20) and Ralph Caputo (D-28). The bill was passed by the Assembly 76-0-2 on 06/24/13. The bill has not been voted on in the Senate. A **YES** vote supported NJGCA's position.

All Lights on Vehicles Must be Functional

Though motorists are no longer legally required to take their vehicles in for safety inspections, they are still legally required to keep their vehicles fully functioning. Under current law, motorists are only required to have two functioning brake lights, despite the fact that many vehicles today have additional lights. This bill will update the law to require that these high mounted brake lights also must be kept in working order.

NJGCA supported this bill because it will give auto repairers an additional tool to convince their customers to keep their vehicle maintained. Unfortunately, the threat of getting a ticket for having a light out is more likely to inspire a motorist to get their car repaired than simply being safe.

The primary sponsors of this bill, A-354, are Assemblymembers Reed Gusciora (D-15), Peter Barnes (D-18), and Marlene Caride (D-36). The bill passed the Assembly 76-0 on 04/29/13. The bill has not been voted on in the Senate. A **YES** vote supported NJGCA's position.



DECISION

THE NJGCA VOTER GUIDE



2013



VOTING RECORDS - GENERAL ASSEMBLY

Name	District	Party	Minimum Wage Increase to \$8.50 an Hour	Minimum Wage Constitutional Amendment	State Income Tax Increase	Gift Card Bill	Increases Penalties for cigarette smuggling	Lottery Privatization Approval	TEACH-NJ Act	Zero interest Loans for generator hookups	All lights on a vehicle must be functional
Nelson Albano	1	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Bob Andrzejczak	1	D					Yes			Yes	Yes
John Amodeo	2	R	No	No	No	Yes	Yes	No	Yes	Yes	Yes
Chris A. Brown	2	R	No	No	No	Yes	Yes	No	Yes	Yes	Yes
John Burzichelli	3	D	Yes	NV	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Celeste Riley	3	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Paul Moriarty	4	D	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes
Gabriela Mosquera	4	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Angel Fuentes	5	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Gil Wilson	5	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Lou Greenwald	6	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Pamela Lampitt	6	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Herb Conaway	7	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Troy Singleton	7	D	NV	Yes	Yes	NV	Yes	Yes	Yes	Yes	Yes
Chris J. Brown	8	R	No	No	No	Yes	Yes	No	Yes	Yes	Yes
Brian Rumpf	9	R	No	No	NV	NV	NV	No	NV	Yes	Yes
DiAnne Gove	9	R	No	No	No	Yes	Yes	No	Yes	Yes	Yes
David Wolfe	10	R	No	No	No	Yes	Yes	NV	Yes	Yes	Yes
Greg McGuckin	10	R	No	No	No	Yes	Yes	No	Yes	Yes	Yes
Mary Pat Angelini	11	R	No	No	No	Yes	Yes	No	Yes	Yes	Yes
Caroline Casagrande	11	R	No	No	No	Yes	Yes	No	Yes	Yes	Yes
Ron Dancer	12	R	Abs	No	No	Yes	Yes	No	Yes	Yes	Yes
Rob Clifton	12	R	No	No	No	Yes	Yes	NV	Yes	Yes	Yes
Amy Handlin	13	R	No	No	No	Yes	Yes	No	Yes	Yes	Yes
Declan O'Scanlon	13	R	No	No	No	Yes	Yes	No	Yes	Abs	Yes
Wayne DeAngelo	14	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Dan Benson	14	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Bonnie Watson Coleman	15	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Reed Gusciora	15	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Jack Ciattarelli	16	R	No	No	No	Yes	NV	No	Yes	Yes	Yes
Donna Simon	16	R	No	No	No	Yes	Yes	No	Yes	Yes	Yes
Upendra Chivukula	17	D	Yes	Yes	NV	Yes	Yes	Yes	Yes	Yes	Yes
Joe Egan	17	D	Yes	Yes	Yes	Yes	Yes	NV	Yes	Yes	Yes
Pat Diegnan	18	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Peter Barnes*	18	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	NV
Craig Coughlin	19	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
John Wisniewski	19	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes



VOTING RECORDS - GENERAL ASSEMBLY (CONTINUED)

Name	District	Party	Minimum Wage Increase to \$8.50 an Hour	Minimum Wage Constitutional Amendment	State Income Tax Increase	Gift Card Bill	Increases penalties for cigarette smuggling	Lottery Privatization Approval	TEACH-NJ Act	Zero interest Loans for generator hookups	All lights on a vehicle must be functional
Joe Cryan	20	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Annette Quijano	20	D	Yes	Yes	Yes	Yes	NV	Yes	Yes	Yes	Yes
Jon Bramnick	21	R	No	No	No	Yes	Yes	No	Yes	Yes	Yes
Nancy Munoz	21	R	No	No	No	Yes	Yes	No	Yes	Yes	Yes
Jerry Green	22	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Linda Stender	22	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	NV
John DiMaio	23	R	No	No	No	Yes	Yes	No	Yes	Yes	Yes
Erik Peterson	23	R	No	No	No	Yes	Yes	No	Yes	Yes	Yes
Alison McHose	24	R	No	No	No	Yes	Yes	No	Yes	Yes	Yes
Parker Space	24	R					Yes			Yes	Yes
Michael Patrick Carroll	25	R	No	No	No	Yes	Yes	No	Yes	Yes	Yes
Tony M. Bucco	25	R	No	NV	No	Yes	Yes	No	Yes	Yes	Yes
Jay Webber	26	R	No	No	No	Yes	Yes	No	Yes	Yes	Yes
BettyLou DeCroce	26	R	No	No	No	Yes	Yes	No	Yes	Abs	Yes
John McKeon	27	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Mila Jasey	27	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Ralph Caputo	28	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Cleopatra Tucker	28	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	NV	Yes
Grace Spencer	29	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Sean Kean	30	R	No	No	No	Yes	Yes	No	Yes	Yes	Yes
Dave Rible	30	R	No	No	No	Yes	Yes	No	Yes	Yes	Yes
Charles Mainor	31	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Jason O'Donnell	31	D	Yes	Yes	Yes	Yes	NV	Yes	Yes	Yes	Yes
Vincent Prieto	32	D	Yes	Yes	Yes	Yes	NV	Yes	Yes	Yes	Yes
Angelica Jimenez	32	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Sheila Oliver	34	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Tom Giblin	34	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	NV
Shavonda Sumter	35	D	Yes	Yes	Yes	Yes	Yes	NV	Yes	Yes	Yes
Benjie Wimberly	35	D	Yes	Yes	Yes	Yes	Yes	NV	Yes	Yes	Yes
Gary Schaer	36	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Marlene Caride	36	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Gordon Johnson	37	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Valerie Vainieri Huttler	37	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Tim Eustace	38	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	NV
Holly Schepisi	39	R	No	No	No	Yes	Yes	No	Yes	Yes	Yes
Dave Russo	40	R	No	No	No	Yes	Yes	No	Yes	Yes	Yes
Scott Rumana	40	R	No	No	No	Yes	Yes	NV	Yes	Yes	Yes



VOTING RECORDS - STATE SENATE

Name	District	Party	Minimum Wage Increase to \$8.50 an Hour	Minimum Wage Constitutional Amendment	State Income Tax Increase	Gift Card Bill	Increases penalties for cigarette smuggling	TEACH-NJ Act	Ban on Credit Card Surcharges	Restriction on Gas Retailers' Ability to Restrict Sales During an Emergency
Jeff Van Drew	1	D	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Jim Whelan	2	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Steve Sweeney	3	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Fred Madden	4	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Donald Norcross	5	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Jim Beach	6	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Diane Allen	7	R	No	NV	No	Yes	Yes	No	Yes	NV
Dawn Marie Addiego	8	R	No	No	No	Yes	Yes	No	Yes	No
Chris Connors	9	R	No	No	No	Yes	Yes	No	Yes	No
Jim Holzapfel	10	R	No	No	No	Yes	Yes	No	Yes	No
Jen Beck	11	R	No	No	No	Yes	Yes	No	Yes	No
Sam Thompson	12	R	No	No	No	Yes	Yes	No	Yes	No
Joe Kyrillos	13	R	No	No	No	Yes	Yes	No	Yes	No
Linda Greenstein	14	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Shirley Turner	15	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Kip Bateman	16	R	No	NV	No	Yes	Yes	No	Yes	NV
Bob Smith	17	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Barbara Buono*	18	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Joe Vitale	19	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Ray Lesniak	20	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Tom Kean, Jr.	21	R	No	No	No	Yes	Yes	No	Yes	No
Nick Scutari	22	R	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Mike Doherty	23	R	No	No	No	Yes	Yes	No	Yes	No
Steve Oroho	24	R	No	No	No	Yes	Yes	No	Yes	No
Tony Bucco	25	R	NV	No	No	Yes	Yes	No	Yes	No
Joe Pennachio	26	R	No	No	No	Yes	Yes	No	Yes	No
Dick Codey	27	D	Yes	Yes	Yes	Yes	Yes	NV	Yes	Yes
Ron Rice	28	D	Yes	NV	Yes	Yes	Yes	Yes	Yes	NV
Teresa Ruiz	29	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Bob Singer	30	R	No	No	No	Yes	Yes	No	Yes	No
Sandra Cunningham	31	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Nick Sacco	32	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Brian Stack	33	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Nia Gill	34	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Nellie Pou	35	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Paul Sarlo	36	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	NV
Loretta Weinberg	37	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Bob Gordon	38	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Gerald Cardinale	39	R	No	No	No	Yes	Yes	No	Yes	No
Kevin O'Toole	40	R	No	No	No	Yes	Yes	No	Yes	No



COMMITTEE VOTES

These two important bills were voted on in Committee but have not been voted on by either house of the Legislature. Even though these bills have not yet made their way to a full floor vote, NJGCA members should know how legislators voted on both of these bills, and so we have included them below.

S-812

S-812 is the “**Carryout Bag Reduction and Recycling Act**”. This bill would require every retailer in the state to collect a 5 cent tax for every plastic and/or paper bag given out. They would keep one cent, and the other four would be sent to the state to pay for cleaning efforts in the Barnegat Bay. NJGCA believes that requiring retailers to track every single disposable bag used in their business, of which there are at least hundreds of millions per year, is a tremendous and unfair burden. It would also be difficult and costly to enforce. A **NO** vote supported NJGCA’s position.

Senate Environment & Energy Committee			
Name	District	Party	Vote
Bob Smith (Chair)	17	D	Yes
Linda Greenstein (Vice-Chair)	14	D	Yes
Jim Whelan	2	D	Yes
Jen Beck	11	R	Abstain
Kip Bateman	16	R	Yes

A-2729

A-2729 is NJGCA’s bill that will finally outlaw the practice of zone pricing, when big oil companies and mega distributors engage in pricing policies that discriminate against certain stations and force them to pay uncompetitive prices. Banning zone pricing will result in savings for small businesses and consumers. A **Yes** vote supported NJGCA’s position.

Assembly Consumer Affairs Committee			
Name	District	Party	Vote
Paul Moriarty (Chair)	4	D	Yes
Pat Diegnan (Vice-Chair)	18	D	Yes
Rob Clifton	12	R	Yes
Reed Gusciora	15	D	Yes
Alison McHose	24	R	Yes



US SENATE SPECIAL ELECTION SURVEY QUESTIONS

1. Major car manufacturers continue to deny small independent facilities the technical information necessary to repair modern computer-managed vehicles. The goal of the Right to Repair movement is to ensure car owners and independent repairers have access at a fair market price to purchase the same diagnostic and repair information and diagnostic scan tools that manufacturers provide to their franchise car dealerships. "Right to Repair" legislation would provide an even playing field and allow consumers the ability to choose when, where, and how their car is repaired. Do you support a motor vehicle owner's "Right to Repair"?

2. Do you support an increase in the federal gas tax?

3. President Obama has proposed an increase in the cigarette tax of 94 cents per pack as part of his FY 2014 budget. Such a dramatic increase in the cost of cigarettes would hurt the thousands of New Jersey small businesses who sell cigarettes and use them to draw in customers to purchase higher profit margin items. Would you vote in favor of this tax increase?

4. Last year a proposal was put forward in the Senate to overturn the 60 year old ban on the commercialization of rest areas on federal highways. This proposal would be disastrous for the thousands of small businesses located near highway exits that rely on travelers exiting the highway to fill up with gas or grab a bite to eat. Do you support the commercialization of rest areas on federal highways?

5. Small businesses that sell gasoline are hostage to the

roller coaster ride that is the modern oil market. Small events in foreign countries on the other side of the world can dramatically affect the price that retailers and consumers have to pay for gasoline. It is in our national and economic security interests to get more of our oil either from the United States or from stable democratic nations like Canada. In order to get that oil from Canada to market, it is necessary to construct more infrastructure, chiefly the Keystone XL Pipeline. Do you support the construction of the entire Keystone XL pipeline?

6. Elected officials in both New York City and New Jersey have proposed banning the sale of tobacco to individuals under the age from 21. They seek to reduce the number of smokers by banning the sale of tobacco to adults aged 19 and 20. The proposal does not penalize the purchase of tobacco products by individuals under 21, it only penalizes the acting of selling, effectively relying on businesses and their counter clerks to check for valid IDs from individuals who are usually treated as legal adults. Would you support a federal bill to ban the sale of tobacco products to individuals under 21?

7. New Jersey voters are likely to amend the state constitution this November to increase the state's minimum wage to \$8.25 an hour. President Obama has called for the federal minimum wage to be increased to \$9.00 an hour. Would you vote for a bill to increase the minimum wage above \$8.25 an hour?

8. Do you support the effort to repeal the Affordable Care Act, also known as ObamaCare?

US SENATE SPECIAL ELECTION SURVEY RESULTS

Name	Party	Support Right to Repair?	Increase federal gas tax?	Increase Cigarette Tax?	Commercialize rest stops?	Construct entire Keystone XL Pipeline?	Increase tobacco age limit to 21?	Increase minimum wage?	Repeal ObamaCare?
Steve Lonegan	R	Yes	No	No	Yes	Yes	No	No	Yes
Cory Booker	D					No*		Yes* [1]	No*

[1] Mayor Booker supports increasing the minimum wage to \$10.10 an hour over two years.

An * indicates the answer was obtained from the candidate's website or public statements.

**REMEMBER
THE SENATE SPECIAL ELECTION IS
WEDNESDAY, OCTOBER 16TH!!**



RETIREMENT ACKNOWLEDGEMENTS

NJGCA wishes to say farewell to all those legislators we have worked with who recently retired or are retiring at the end of this Legislative session.

We wish them all good luck in their future endeavors and thank them for their public service.

Assemblyman Matt Milam (D-Cumberland) 2008-2013

Assemblyman Scott Rudder (R-Burlington) 2008-2014

Assemblyman Gary Chiusano (R-Sussex) 2008-2013

Assemblyman Ruben Ramos (D-Hudson) 2008-2014

Assemblyman Sean Connors (D-Hudson) 2012-2014

Assemblywoman Connie Wagner (D-Bergen) 2008-2014

SPONSOR SHOUT-OUTS

NJGCA would like to give special praise to a few legislators who have gone the extra mile for your business and sponsored some of our most important pieces of legislation currently in the Legislature.

ZONE PRICING (A-2729/S-2856)

Assemblymen Patrick Diegnan (D-18), Jon Bramnick (R-21), Paul Moriarty (D-4) & Reed Gusciora (D-15);
Senators Gerald Cardinale & Paul Sarlo (D-36)

RIGHT TO REPAIR (A-4336)

Assemblymen Reed Gusciora (D-15) and Paul Moriarty (D-4)

GIFT CARD REFORM BILL (A-3189, A-3045/S-1928)

Assemblymen Patrick Diegnan (D-18), Declan O'Scanlon (R-13) & Paul Moriarty (D-4);
Senators Paul Sarlo (D-36) & Fred Madden (D-4)

PENALTY INCREASES FOR CIGARETTE SMUGGLING AND COUNTERFEITING (A-3278/S-2516)

Assemblymembers Amy Handlin (R-13), Peter Barnes (D-18), & Anthony M. Bucco (R-25);
Senators Donald Norcross (D-5) & Steve Oroho (R-24)

VOLUNTARY PILOT PROGRAM FOR GENERATOR HOOKUPS (A-3930/S-2890)

Assemblymembers Annette Quijano (D-20), Joe Cryan (D-20), & Ralph Caputo (D-28);
Senator Jim Whelan (D-2)

PREVENTING GAS RETAILERS FROM PAYING FOR REBATE PROGRAMS (A-4446)

Assemblywoman Celeste Riley (D-3)



NJGCA has seen many legislative successes over the past few years. We'd like to take a moment to tell you a little bit more about the men and women who have been instrumental in helping your small business prosper.

Assemblywoman Celeste Riley



The Honorable Celeste Riley was first sworn into the New Jersey General Assembly in March 2009 and has since won two elections in a very competitive district. She represents the 3rd District in South Jersey, covering the entirety of Salem County as well as parts of Cumberland and Gloucester Counties. Before serving in the Assembly, she was the President of the Bridgeton City Council.

In addition to being a public servant, Assemblywoman Riley is a teacher at the Greenwich-Stow Creek Partnership Elementary School. Having a working teacher as a member of our state Legislature is a benefit for every New Jerseyan. We all know how important teachers are, and there is tremendous value in having a legislator with real world experience in this regard. NJGCA has long promoted the fact that education policy is an issue for businesses because today's students are tomorrow's employees.

Asw. Riley has shown a lifelong commitment to education and the arts, which is reflected in her legislative work. She has a Bachelor's degree in music and a Master's degree in arts administration. She is the Chair of the Higher Education Committee

and Vice-Chair of the Tourism & the Arts Committee. She also serves on the Transportation, Public Works, and Independent Authorities Committee, which covers many issues relating to service stations.

NJGCA first began working with Assemblywoman Riley in 2010. She was the prime sponsor of A-3133, which we have talked about extensively as the below cost selling/rebate legislation.

Originally, we feared that the bill as written would have gutted the state's ban on the below cost selling of gasoline by allowing big corporations to throw around discounts and force small retailers to bear the costs, effectively forcing them to sell below cost and hurting their already tiny profit margins on gasoline.

Thankfully, Asw. Riley was very open to our concerns. She made clear that she was interested in allowing New Jersey residents to join the residents of most of the other states in being able to receive discounts on gasoline based on loyalty programs and rebates. She certainly did not want small businesses to suffer.

Over the course of a year, NJGCA worked with the Assemblywoman, representatives from the supermarkets, and our friends at FMANJ to craft a compromise that was a win for gas retailers, a win for the supermarkets, and a win for consumers. The bill passed both houses unanimously and was signed into law by the Governor in January 2012.

Since the law has gone into effect many major brands have begun to roll out various loyalty programs for their customers to use. Some, however, have used certain technicalities in the law to compel retailers to bear some of the costs associated with these programs. When Asw. Riley learned of this, she was happy to work with NJGCA and FMANJ to write and sponsor A-4446, which will fix this problem. As of this writing we are awaiting action in the Legislature.

NJGCA thanks Assemblywoman Riley for her efforts on this issue. She has proven to be willing to listen carefully to all sides of a debate, understand the issues at hand, and invest the time necessary to find a satisfying compromise that is the basis of good public policy. We eagerly look forward to continuing to work with her. ■



How does the New Jersey Auto Service Safety Group work?

A Safety Group Dividend Plan groups similar professions so that policyholders have a chance to earn a dividend, based on the overall safety results. The following offers some insight on what you might expect as a member of the NJGCA Safety Group.

HOW DOES IT WORK?

A safety group offers members a unique way to share in the results of good loss experience and reduce the overall cost of insurance. Typically, policyholders pay a premium and yet, while they may enjoy favorable loss results, it takes time to see the savings in the experience rating. On the other hand, safety group members – such as the NJGCA group – join together and when results are judged to be profitable, a portion of the premium is returned to all participating members in the form of a dividend.

WHAT MAKES A GROUP SUCCESSFUL?

The bottom line is good loss results over the whole group of participants. Losses do occur and, from time to time, a costly loss within any one population of similar policyholders is expected. However, a prime area where policyholders can have the most direct effect on insurance costs is controlling the frequency of accidents or incidents which lead to a claim.

While it's a challenge to predict the cost of any one claim in advance of an accident, it's far simpler to put controls in place to help reduce the chance of accidents. This directly affects the number of claims allowing a better opportunity to produce a good overall loss result and a dividend for the members.

WHAT'S THE TIME PERIOD FOR COLLECTING PREMIUM AND LOSS DATA?

Our NJGCA Safety Group considers data from the most recent March 1 to the previous March 1. The premiums we look at for dividend purposes are audited premiums of policyholders in the group. The losses are those incurred for all policyholders in the safety group during the March-to-March time period. The premiums, losses and expenses are put into a calculation to see if a dividend has been earned.

HOW IS THE DIVIDEND PAID?

Generally, if a dividend is paid, checks are sent 2-3 months after the premium and losses are computed for the dividend period. For the NJGCA Group, losses are valued in September, allowing time to include the audited premium. During the six months between

March and September, it's not unusual for losses to "develop," which can happen if injuries are complicated by other matters. As a result, over the years, dividends have ranged from 10% to 0% in any given year.

HOW DO I KNOW OTHER GROUP MEMBERS ARE AS SAFETY CONSCIOUS AS ME?

The underwriters screen accounts that go into the safety group to ensure they meet the underwriting criteria – which includes a favorable loss history. Yet, accidental and unforeseen losses happen, plus weather events can affect even the best safety group policyholders. As an example, the recent two years of hurricanes have severely affected the premium vs. loss ratio.

HOW DOES NJGCA & AMATO AGENCY HELP MEMBERS MINIMIZE THE CHANCES OF A LOSS AND INCREASE THE CHANCES OF A DIVIDEND?

Our insurance carrier, Utica National, offers free resources that can help reduce losses and save you money on training:

- Streaming videos, available for 30 days per request (and available for renewal) cover topics to help reduce property, liability, auto and workers compensation losses. Plus, each video has handouts and instructor notes available.
- Online training courses, which you and your employees can take on topics to help you raise safety and loss prevention awareness, give you steps to help minimize your chances for a loss. Most online training courses run 30 to 60 minutes.
- www.SafetySolutions.Utica.com, Utica National's risk management website provides even more information on helping you control losses.

ARE DIVIDENDS GUARANTEED?

By law, dividends cannot be guaranteed and are subject to approval by the company's Board of Directors.

***Editor's note. This article was written so that members who participate in NJGCA programs have a better understanding how these programs work. This is especially important at this time since the losses experienced by Utica National due to Hurricane Sandy, and the large claims that were paid to NJGCA members, have caused the dividend that might have been received around this time of the year not to be declared. ■*

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THE NJGCA MEMBER BENEFIT PARTNER PROGRAM

NJGCA continually updates our Member Benefit Partners (MBPs) program to better serve your small business. Most MBPs offer discounts and special programs exclusively for NJGCA members ONLY – You cannot get these negotiated arrangements anywhere else!!

Here is a list of our current MBPs:

4CAST OUTDO CORP - Gas Pricing Strategy Experts
ABLE-TECH – Industry Specific Business Consulting
ADP - Payroll Processing
AFFINITY FEDERAL CREDIT UNION – Credit Union
AMATO INSURANCE AGENCY – Garage Liability, Auto, Homeowners, Flood, Disability
ASSOCIATION MASTER TRUST (AMT) – Health Coverage
ATS ENVIRONMENTAL SERVICES – Tank & Vapor Testing, NJDEP Compliance
C. A. WINKLER, INC. – Tank and Pump Replacements
COASTAL EYEWEAR – Prescription Eye Glasses and Contact Lens Specialists
DANA TANK INSURANCE SPECIALISTS – Tank Insurance
ENVIRONMENTAL ALLIANCE, INC. – Environmental Remediation Services
ENVIRONMENTAL & GEOTECHNICAL SERVICES, LLC – Environmental Services (LSRP)
FIRST DATA CORPORATION – Credit Card Processing & Consulting
KOPA – Efficient Energy Lighting Solutions
MEADOWBROOK INSURANCE GROUP – Workers Compensation
MERIDIAN ENVIRONMENTAL – Tank and Pump Replacements
PH2 SOLUTIONS – Quick Diagnostic Emissions Tools
PPC LUBRICANTS/CASTROL OIL – Lubricant Supplier
PRESTIGE ENVIRONMENTAL – Environmental Remediation
SALOMONE BROS. INC. – UST, Pump, and Tank General Contractors
SERVICE STATION VENDING EQUIPMENT – Air & Vacuum Systems
TMP ENERGY SOLUTIONS – Discounted Electricity and Natural Gas
UNIFIRST – Uniform Service and Station Supplies



THE ENERGY EXAMINER

FROM TRADITIONAL RESOURCES TO ALTERNATIVE ENERGY INNOVATIONS



By Nick De Palma

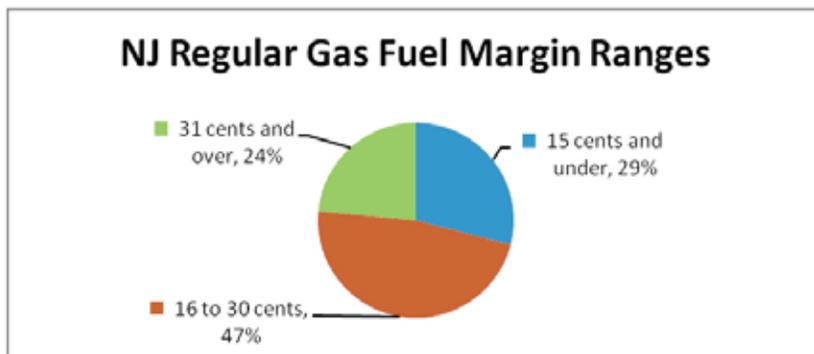
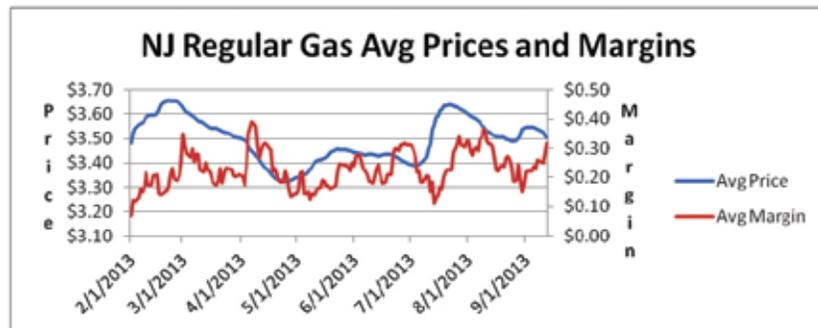
As you all may or may not know, Nick De Palma recently left his position as Communications and Research Director at NJGCA to pursue a career in law. Nick attended law school while working at NJGCA, graduated with his J.D. and took the bar. He is currently doing a clerkship for a Superior Court judge in New Jersey. During this transition period here at NJGCA, and also due to our lengthy Voter Guide, there will not be an Energy Examiner in this issue of *On The Road*. Please check back next time for the latest information in the traditional and alternative energy fields.

Trends in NJ Gasoline Pricing and Margins by Profit Outdo Corp.

Profit Outdo Corp collects and analyzes the daily selling prices of fuel in 110,000 retail locations nationwide, together with the daily average rack costs in each state. It tracks the prices of over 1,500 stations in New Jersey alone. This data can be combined with an individual station's data and analyzed to maximize profits. In this article, Profit Outdo shares some of their findings on overall averages in New Jersey.

Prices vs. Margins

The chart below shows the trends of average prices and average margins for regular gasoline of 1,680 NJ gas stations since Feb. 1, 2013. You can compare your own prices and margins against these averages. Note that for this chart, "margin" is calculated by subtracting rack price + taxes from the selling price. It did not subtract other costs (e.g., freight, credit-card fees, and labor costs), which are station-specific:



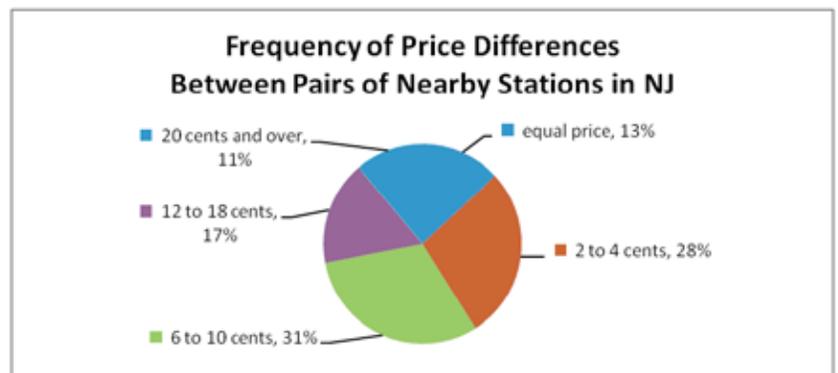
Margin Ranges

The chart below shows how often individual stations had margins within the indicated ranges. It shows that on most days, the average station had a margin between 16 and 30 cents per gallon (before paying for freight, credit-card fees and labor). On some days, the margin was higher. On other days, it was lower. You can compare your own experience against these averages.

Price Differences

The chart below shows how close the prices of "neighboring stations" are to each other. It shows that the most common situation in NJ is for two neighboring stations to have a small price difference of 2 to 10 cents on any given date. On other days, the price difference may be bigger or smaller, but most of the time, the difference will be in that range. It is far less common for neighboring stations to have exactly the same price, or to have a price difference of 20 cents or more.

For the purposes of this chart, a "neighboring station" is defined as one of the 5 closest stations to your station. However, for areas with very few stations, we discard any "neighbor" that is more than 3.5 miles away.



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It is for this reason that your Association has established the NJGCA PAC.

For too long, the weight of funding our Political Action Committee, the arm of the Association responsible for political donations, has rested upon a few. This is not only unfair to those few members who have shouldered this burden, but means we are not utilizing our full strength to affect the debate in Trenton.

To truly understand the importance of supporting our allies, consider our successes in Trenton:

We defeated **BELOW COST SELLING**

We made history in getting **FIRST RIGHT OF REFUSAL** signed into law!

We have built large support for **RIGHT TO REPAIR** and got it passed out of the Assembly

We defended your small business against the false accusations of Attorney General Anne Milgram

We gained wide support to move New Jersey to an all PIF Inspection System and close the CIF lanes

...and MUCH MORE!!

In each instance, we achieved these goals with the help of our friends in the Legislature!

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Please make your donation payable to NJGCA PAC

***We have made great progress in Trenton, but more needs to be done-
I hope that you will answer the call and contribute to the NJGCA PAC TODAY!***



Beware: C-Stores Up in Smoke Over “Spice” Sales



In spite of existing state and federal bans on the sale of “fake pot” and “bath salts,” these synthetic drugs continue to be sold in some c-stores and gas stations nationwide, and station owners and attendants alike are subject to criminal prosecution and steep fines for possession and distribution of these “designer” drugs.

To make matters worse, manufacturers of the fake drugs are attempting to thwart federal regulatory efforts and deceive the public by using labels that state contents are “not for human consumption,” a thinly-veiled effort to mask the purpose for which the substances are marketed. Consumers proceed to smoke, snort, and in some cases, inject the contents.

Many manufacturers have replaced the previously banned chemical compounds with new formulas to evade federal enforcement efforts and continue aggressive marketing of the dangerous drugs.

In July 2012, in response to a nationwide upsurge in reports from poison centers, hospitals, and law enforcement agencies since 2010, President Obama enacted the Synthetic Drug Abuse Prevention Act, a national ban of 31 synthetic compounds found in “fake pot” and “bath salts” and an important piece of the FDA Safety and Innovation Act.

Cannabinoids, commonly referred to as “K2” or “Spice”, are labeled as “herbal smoking mixture” and are sprayed with synthetic chemicals designed to mimic the effects of THC in marijuana. They are sold in colorful, cartoon-covered packages, with names like Scooby Snax, Blueberry Yum Yum, Mad Hatter, Mr. Happy, and Funky Monkey. The exact chemical composition of this herbal “potpourri” is unknown, but can be two to 500 times stronger than THC, and reports indicate that in 2011 synthetic “spice” type drugs caused approximately 25,531 visits to emergency rooms nationwide.

Cathinones or “bath salts” are a crystalline powder sold in foil packages the size of a teabag and marketed under dozens of labels with deceptive names such as Bliss, Zoom, Could Nine, and Stardust, to name just a few. The powder is laced with chemical substances capable of producing a broad range of medical complications, including seizures, hallucinations, liver failure, long term mental illness, and death.

Station owners should carefully consider the consequences of selling banned or suspiciously similar substances in c-stores. In addition to facing criminal prosecution and exposure to public scorn, some communities have rallied to combat the problem by hitting businesses where it hurts – at the register.

Two months ago, the guest speaker and DEA Special Agent at a yearly symposium on drug prevention in Maryland urged community members to be proactive and boycott local businesses that sell these products in their stores.

U.S. military bases have been known to blacklist gas stations and c-stores known to sell synthetic marijuana products and to restrict soldiers and military personnel from making purchases at those locations. In March of this year, two businesses were blacklisted near Fort Lee, Virginia and more recently, two Exxon stations were blacklisted near Fort Meade, Maryland.

The DEA remains committed to stopping the flow of synthetic drugs at all levels. In June 2013, as a result of a two-year nationwide sting operation, agents raided 34 stores in Memphis and Jackson, Tennessee, and executed search warrants at seven gas stations. Numerous individuals were indicted by a federal grand jury for conspiracy to possess and distribute synthetic drugs and if convicted, face up to 20 years imprisonment and \$1 million for each count.

Elsewhere around the country, arrests and prosecutions are on the rise. In July 2013, four convenience stores were investigated and three arrests made in Clearwater, Florida, and another eight individuals were arrested and charged with selling synthetic marijuana from convenience stores and gas stations in Washington County, Pennsylvania.

The former owner of a BP station in Lexington, Illinois was recently convicted of selling “spice” out of his station and received probation as a first time offender, but was ordered to pay a fine of \$8,322 and a civil forfeiture to seize the station is currently pending.

The bottom line is that station owners should avoid this “line of business” at all costs. Perhaps the best advice is to stick with the good stuff - Skittles and M&Ms. ■

For more information, see the following links:

http://www.whitehouse.gov/sites/default/files/ondcp/Blog/synthetic_marijuana.pdf

<http://www.whitehouse.gov/ondcp/ondcp-fact-sheets/synthetic-drugs-k2-spice-bath-salts>

eMail: pgunst@agtlawyers.com

To access the latest articles by the Service Station Dealer’s legal counsel, please visit the “Service Station Dealers: Legal Issues” section of the Astrachan Gunst Thomas Rubin, P.C. website at:

<http://www.agtlawyers.com/resources/petroleum.html>

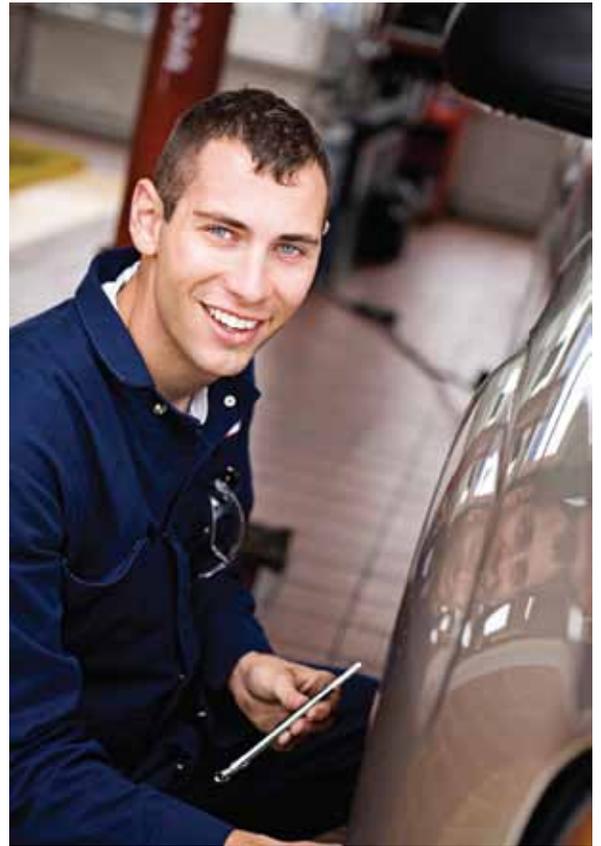
Great News for NJGCA Members

Group Health Coverage through NJGCA and Association Master Trust

Unless you're a large business with hundreds or thousands of employees, providing and administering a health benefits plan can be a huge burden. However, if you're a NJGCA member, you can now take advantage of a great group offering through the **Association Master Trust**

NJGCA member companies are eligible for comprehensive self-funded health and dental benefits through Association Master Trust. The Association Master Trust covers approximately 10,000 participants from thirteen trade and member association benefit trusts.

Qualifying NJGCA member firms can now enjoy all of the benefits of network services and modern claims administration. By being a member of AMT you're part of a large group, and have access the same great health benefits plans the big guys do!



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