

**LAWS=NEW JERSEY
1994**

New Jersey State Library

ACTS
OF THE
First Annual Session
OF THE
Two Hundred and Sixth Legislature
OF THE
STATE OF NEW JERSEY
AND
Thirty-Sixth Under the New Constitution



New Jersey State Library

1994

The following laws, enacted by the First Annual Session of the Two Hundred and Sixth Legislature, and an index of the laws are published in accordance with R.S.1:3-1 et seq.

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of the
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of the
Two Hundred and Sixth Legislature

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Passaic)
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(Part of Bergen)
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THIRTY-NINTH DISTRICT
(Part of Bergen)
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FORTIETH DISTRICT
(Parts of Bergen, Passaic)
HENRY P. McNAMARA

1 Died 1/6/95

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(Parts of Atlantic, Burlington,
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(Parts of Monmouth, Ocean)

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DAVID W. WOLFE

JAMES W. HOLZAPFEL⁵

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(Part of Monmouth)

STEVE CORODEMUS

TOM SMITH

TWELFTH DISTRICT

(Part of Monmouth)

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CLARE M. FARRAGHER

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JOANN H. SMITH

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(Part of Mercer)

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SIXTEENTH DISTRICT

(Parts of Morris, Somerset)

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BATEMAN

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JEFF WARSH

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TWENTIETH DISTRICT (Part of Union) NEIL M. COHEN JOSEPH SULIGA	TWENTY-NINTH DISTRICT (Parts of Essex, Union) WILLIE B. BROWN JACKIE R. MATTISON
TWENTY-FIRST DISTRICT (Parts of Essex, Union) MONROE JAY LUSTBADER MAUREEN OGDEN	THIRTIETH DISTRICT (Parts of Burlington, Monmouth, Ocean) MELVIN COTTRELL JOSEPH R. MALONE, III
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MEMBERS

11

THIRTY-SEVENTH DISTRICT
(Part of Bergen)
LORETTA WEINBERG
CHARLES "KEN" ZISA

THIRTY-EIGHTH DISTRICT
(Part of Bergen)
ROSE MARIE HECK
PATRICK J. ROMA

- 1 Resigned 1/3/95.
- 2 Resigned 2/7/94.
- 3 Sworn in 2/28/94.
- 4 Resigned 6/30/94.
- 5 Sworn in 8/15/94.
- 6 Resigned 2/7/94.
- 7 Sworn in 2/17/94.
Lost election 11/8/94.

THIRTY-NINTH DISTRICT
(Part of Bergen)
JOHN E. ROONEY
CHARLOTTE VANDERVALK

FORTIETH DISTRICT
(Parts of Bergen, Passaic)
NICHOLAS R. FELICE
DAVID C. RUSSO

- 8 Sworn in 12/1/94.
- 9 Resigned 4/25/94.
- 10 Sworn in 6/16/94.
- 11 Resigned 1/3/95.
- 12 Resigned 9/26/94.
- 13 Sworn in 10/20/94.

LAWS

ACTS
ENACTED BY THE
First Annual Session
OF THE
Two Hundred and Sixth Legislature

CHAPTER 1

AN ACT concerning the budget message to be transmitted by the Governor to the Legislature for the fiscal year ending June 30, 1995.

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

1. Notwithstanding the provisions of any other law to the contrary, the Governor shall transmit the budget message for the fiscal year ending June 30, 1995 to the Legislature on or before March 15, 1994.

2. This act shall take effect immediately.

Approved February 2, 1994.

CHAPTER 2

AN ACT decreasing the rates of taxation under the gross income tax, amending N.J.S.54A:2-1 and supplementing Title 54A of the New Jersey Statutes.

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

1. N.J.S.54A:2-1 is amended to read as follows:

Imposition of tax.

54A:2-1. Imposition of tax. There is hereby imposed a tax for each taxable year (which shall be the same as the taxable year for federal income tax purposes) on the New Jersey gross income as

herein defined of every individual, estate or trust (other than a charitable trust or a trust forming part of a pension or profit-sharing plan), subject to the deductions, limitations and modifications hereinafter provided, determined in accordance with the following tables with respect to taxpayers' taxable income:

a. For married individuals filing a joint return and individuals filing as head of household or as surviving spouse for federal income tax purposes:

(1) for taxable years beginning on or after January 1, 1991 but before January 1, 1994:

If the taxable income is:	The tax is:
Not over \$20,000.00	2% of taxable income
Over \$20,000.00 but not over \$50,000.00	\$400.00 plus 2.5% of the excess over \$20,000.00
Over \$50,000.00 but not over \$70,000.00	\$1,150.00 plus 3.5% of the excess over \$50,000.00
Over \$70,000.00 but not over \$80,000.00	\$1,850.00 plus 5.0% of the excess over \$70,000.00
Over \$80,000.00 but not over \$150,000.00	\$2,350.00 plus 6.5% of the excess over \$80,000.00
Over \$150,000.00	\$6,900.00 plus 7.0% of the excess over \$150,000.00

(2) for taxable years beginning on or after January 1, 1994:

If the taxable income is:	The tax is:
Not over \$20,000.00	1.900% of taxable income
Over \$20,000.00 but not over \$50,000.00	\$380.00 plus 2.375% of the excess over \$20,000.00

Over \$50,000.00 but not over \$70,000.00	\$1,092.50 plus 3.325% of the excess over \$50,000.00
Over \$70,000.00 but not over \$80,000.00	\$1,757.50 plus 4.750% of the excess over \$70,000.00
Over \$80,000.00 but not over \$150,000.00	\$2,232.50 plus 6.175% of the excess over \$80,000.00
Over \$150,000.00	\$6,555.00 plus 6.650% of the excess over \$150,000.00

b. For married individuals filing separately, unmarried individuals other than individuals filing as head of household or as a surviving spouse for federal income tax purposes, and estates and trusts:

(1) for taxable years beginning on or after January 1, 1991 but before January 1, 1994:

If the taxable income is:	The tax is:
Not over \$20,000.00	2% of taxable income
Over \$20,000.00 but not over \$35,000.00	\$400.00 plus 2.5% of the excess over \$20,000.00
Over \$35,000.00 but not over \$40,000.00	\$775.00 plus 5.0% of the excess over \$35,000.00
Over \$40,000.00 but not over \$75,000.00	\$1,025.00 plus 6.5% of the excess over \$40,000.00
Over \$75,000.00	\$3,300.00 plus 7.0% of the excess over \$75,000.00

(2) for taxable years beginning on or after January 1, 1994:

If the taxable income is:	The tax is:
Not over \$20,000.00	1.900% of taxable income
Over \$20,000.00 but not over \$35,000.00	\$380.00 plus 2.375% of the excess over \$20,000.00
Over \$35,000.00 but not over \$40,000.00	\$736.25 plus 4.750% of the excess over \$35,000.00
Over \$40,000.00 but not over \$75,000.00	\$973.75 plus 6.175% of the excess over \$40,000.00
Over \$75,000.00	\$3,135.00 plus 6.650% of the excess over \$75,000.00

c. For the purposes of this section, an individual who would be eligible to file as a head of household for federal income tax purposes but for the fact that such taxpayer is a nonresident alien, shall determine tax pursuant to subsection a. of this section.

2. The Director of the Division of Taxation in the Department of the Treasury shall issue regulations to reflect the entire decrease in tax liability for taxable year 1994 enacted pursuant to P.L.1994, c.2 in reduced withholding from employee wages received after the date of enactment.

3. This act shall take effect immediately and section 1 shall be retroactive to January 1, 1994.

Approved March 7, 1994.

CHAPTER 3

AN ACT discontinuing the corporation business tax surtax as of January 1, 1994, supplementing P.L.1945, c.162 (C.54:10A-1 et seq.).

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

1. Notwithstanding the provisions of section 1 of P.L.1986, c.144 (C.54:10A-5.1), to the contrary, the rate of surtax imposed pursuant to that section for the report covering the accounting or privilege period ending on or after July 31 of calendar year 1993 but no later than June 30 of calendar year 1994 shall be determined by multiplying the percentage rate established pursuant to section 2 of P.L.1986, c.144 (C.54:10A-5.2) for such period by a quotient, the numerator of which is the number of complete calendar months ending before January 1, 1994 in the accounting or privilege period and the denominator of which is the number of complete calendar months in the accounting or privilege period.

2. This act shall take effect immediately.

Approved March 7, 1994.

CHAPTER 4

AN ACT transferring the balance of the "Taxpayer Relief Fund" to the Property Tax Relief Fund for the purposes of that fund for Fiscal Year 1994, amending P.L.1993, c.155.

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

1. Section 39 of P.L.1993, c.155 is amended to read as follows:

39. There is created within the General Fund a restricted fund to be known as the "Taxpayer Relief Fund," which is credited with the amount of \$150,000,000 from the General Fund undesignated fund balance as of July 1, 1993. Monies in the "Taxpayer Relief Fund" are transferred to the Property Tax Relief Fund as an anticipated resource and are available for the purposes of that fund in order that there may be tax rate reductions and an increase in the minimum income that subjects taxpayers to the gross income tax during calendar year 1994 as would best serve the interests of New Jersey taxpayers.

2. This act shall take effect immediately.

Approved March 7, 1994.

CHAPTER 5

AN ACT to amend "An Act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1994 and regulating the disbursement thereof," approved June 29, 1993 (P.L.1993, c.155).

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

1. The following items in section 1 of P.L.1993, c.155, the Fiscal Year 1994 annual appropriations act, are amended to read as follows:

GENERAL FUND
94 INTER-DEPARTMENTAL ACCOUNTS
70 Government Direction, Management and Control
74 General Government Services
9410 Employee Benefits

03-9410 Employee Benefits.....	<u>\$1,455,236.000</u>
Total Appropriations, Employee Benefits	<u>\$1,455,236.000</u>
Special Purpose:	
State Employees' Health	
Benefits	(\$424,000,000)

Notwithstanding any other provision of law to the contrary, the amount hereinabove for State Employees' Health Benefits shall be supplemented from balances in the health benefits fund created pursuant to section 6 of the "New Jersey State Health Benefits Program Act," P.L.1961, c.49 (C.52:14-17.30), which are appropriated to the extent necessary as determined by the Director of the Division of Budget and Accounting for State employee health benefits.

The amounts displayed hereinabove reflect previous deductions made by the Director of the Division of Budget and Accounting on account of Fringe Benefit Savings From Early Retirement and Attrition Programs and from Savings From Non-Salary Accounts as were directed in P.L.1993, c.155.

9430 Salary and Other Benefits

05-9430 Salary and Other Benefits	<u>\$1,070,000</u>
Total Appropriations, Salary and Other Benefits	<u>\$1,070,000</u>

Special Purpose:

Salary and Benefits Increases-	
Increments	(\$31,538,000)
Salary and Benefits Increases-	
Cost of Living Adjustments	(85,081,000)
Salary and Benefits Increases-	
Deferred Cost of Prior Contract	
(COLA and Increments)	(23,451,000)
Unused Accumulated Sick Leave	
Payments	(3,000,000)
Unused Accumulated Sick Leave	
Cost Associated with the Early	
Retirement Program	(16,000,000)

Less:

<i>Savings From Early Retirement</i>	
<i>Program.</i>	<i>(\$66,000,000)</i>
<i>Savings From Attrition Program..</i>	<i>(40,000,000)</i>
<i>Reduced Cost of Salary Benefits</i>	
<i>Due to fewer Employees</i>	<i>(5,000,000)</i>
<i>Savings from Voluntary</i>	
<i>Furlough Program</i>	<i>(2,000,000)</i>
<i>Savings</i>	<i>(25,000,000)</i>
<i>Savings - Services Other Than</i>	
<i>Personal</i>	<i>(20,000,000)</i>

The Director of the Division of Budget and Accounting shall transfer from departmental accounts and credit to the Salary and Other Benefits account a sum of \$20,000,000 to reflect savings from Services Other Than Personal, as determined by the director. This additional sum is appropriated for Salary and Other Benefits.

GRANTS-IN-AID**54 DEPARTMENT OF HUMAN SERVICES***20 Physical and Mental Health**24 Special Health Services**7540 Division of Medical Assistance and Health Services--
Grants-In-Aid*

22-7540 General Medical Services	<u>\$1,827,125,000</u>
Total Appropriation, Division of Medical Assistance and Health Services	<u>\$1,884,767,000</u>

Grants:

Payments for Medical Assistance
Recipients - Nursing Homes (531,208,000)
Medicaid expansion--SOBRA..... (148,724,000)

2. This act shall take effect immediately.

Approved March 7, 1994.

CHAPTER 6

AN ACT concerning the school budget and election calendar for the 1994-95 school year.

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

1. Notwithstanding any other law to the contrary, the Commissioner of Education is authorized to make any adjustments to the school budget and election calendar for the 1994-95 school year which are necessary to conform with the State aid notification date.

2. This act shall take effect immediately.

Approved March 14, 1994.

CHAPTER 7

AN ACT concerning the election of school board members in a State operated school district.

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

1. a. Notwithstanding the provisions of any law to the contrary, any election of school board members in a State operated school district pursuant to section 15 of P.L.1987, c.399 (C.18A:7A-48) which is to be conducted at the April, 1994 annual school election pursuant to P.L.1993, c.59 shall be conducted at the April, 1995 annual school election.

b. Between the April, 1994 and the April, 1995 annual school election, the State district superintendent may bring any matter for a vote before the board of education established pursuant to section 14 of P.L.1987, c.399 (C.18A:7A-47) and shall bring for a vote before the board the following matters:

- (1) all matters concerning the adoption of the district's curriculum;
- (2) beginning September 1, 1994, all matters pertaining to legal affairs of the district; and
- (3) beginning January 1, 1995, all matters pertaining to financial affairs.

With regard to all of the above matters, however, the State district superintendent shall retain veto power.

2. Nothing in this act shall be interpreted to limit the authority of the Commissioner of Education and the State Board of Education under section 16 of P.L.1987, c.399 (C.18A:7A-49). In the event that the State Board of Education determines to restore local control as provided in that section, the State board is authorized to schedule the election required in section 15 of P.L.1987, c.399 (C.18A:7A-48) on a date earlier than April, 1995. If the election is held prior to April, 1995, the members of the board of education shall take office immediately, and their terms shall be adjusted accordingly by the State Board of Education.

3. This act shall take effect immediately.

Approved March 15, 1994.

CHAPTER 8

AN ACT increasing the minimum income necessary to be subject to the gross income tax, amending N.J.S.54A:2-4 and N.J.S.54A:8-3.1.

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

1. N.J.S.54A:2-4 is amended to read as follows:

Minimum taxable income.

54A:2-4. Minimum taxable income. Notwithstanding any other provisions of this act, a taxpayer filing as an unmarried individual,

an estate or trust, a taxpayer determining tax pursuant to subsection a. of N.J.S.54A:2-1, or a married couple filing a joint return, with a gross income of \$3,000.00 or less for taxable years beginning before January 1, 1994 and \$7,500.00 or less for taxable years beginning on and after January 1, 1994, (\$1,500.00 or less for taxable years beginning before January 1, 1994 and \$3,750.00 or less for taxable years beginning on and after January 1, 1994 in the case of a married person filing separately), shall not be subject to tax under this act. In the case of a nonresident, gross income shall mean gross income which such nonresident would have reported if he had been a resident.

2. N.J.S.54A:8-3.1 is amended to read as follows:

Persons required to file.

54A:8-3.1. Persons required to file. a. On or before the filing date prescribed in section 1 of this chapter (N.J.S.54A:8-1), an income tax return shall be made and filed by or for an individual, whether filing as unmarried or determining tax pursuant to subsection a. of N.J.S.54A:2-1, an estate or trust, having a gross income in excess of \$3,000.00 for taxable years beginning before January 1, 1994 and \$7,500.00 for taxable years beginning on and after January 1, 1994, and by or for a married couple filing a joint return and having joint gross income in excess of \$3,000.00 for taxable years beginning before January 1, 1994 and \$7,500.00 for taxable years beginning on and after January 1, 1994 (\$1,500.00 or more for taxable years beginning before January 1, 1994 and \$3,750.00 or more for taxable years beginning on and after January 1, 1994 in the case of a married person filing separately).

b. If the income tax liability of husband and wife is determined on a separate return for federal income tax purposes, they shall each also file a separate return for New Jersey income tax purposes and their income tax liabilities under this act shall be separate.

c. If the income tax liabilities of husband and wife, both residents, are determined on a joint return for federal income tax purposes, they shall also file a joint return for New Jersey income tax purposes and their tax liabilities under this act shall be joint and several.

d. If either husband or wife is a resident and the other is a nonresident, they shall file separate tax returns under this act on such single or separate forms as may be required by the director in which event their tax liabilities shall be separate unless both elect to determine their joint taxable income as if both were residents, in which event their liabilities shall be joint and several.

e. The return for any deceased individual shall be made and filed by his fiduciary or other person charged with his property.

f. The return for an individual who is unable to make a return by reason of minority or other disability shall be made and filed by his fiduciary or other person charged with the care of his person or property (other than a receiver in possession of only a part of his property), or by his duly authorized agent.

g. Any tax under this act, and any increase, interest or penalty thereon, shall, from the time it is due and payable, be a personal debt of the person liable to pay the same, to the State of New Jersey.

h. If both husband and wife are nonresidents but only one spouse earns, receives or acquires income from sources within this State, they shall file separate forms as may be required by the director and their tax liabilities shall be separate, unless both elect to determine their joint taxable income in accord with N.J.S.54A:5-7 and their liabilities under this act shall be joint and several.

3. This act shall take effect immediately and shall apply to taxpayer taxable years commencing on and after January 1, 1994.

Approved March 16, 1994.

CHAPTER 9

AN ACT appropriating funds from the "Correctional Facilities Construction Fund of 1987" to the Department of Corrections for the construction of a county correctional facility.

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

1. a. There is appropriated to the Department of Corrections from the "Correctional Facilities Construction Fund of 1987," created pursuant to the "Correctional Facilities Construction Bond Act of 1987," P.L.1987, c.178, the sum of \$7,071,952 for the following purpose:

DEPARTMENT OF CORRECTIONS

County Financial Assistance Program -

Grant for new 125-bed Mercer

County facility

\$7,071,952

Total Appropriation

\$7,071,952

b. The Commissioner of the Department of Corrections is authorized to negotiate and enter into an agreement with the appropriate county officials regarding the terms and conditions upon which this financial assistance to Mercer County shall be provided. At a minimum, however, the terms and conditions shall include:

- (1) The availability and use of a specific number of beds reserved in the county correctional facility for prisoners remanded by the State; and
- (2) Per diem rates favorable to the State in recognition of its contribution to the construction costs of the facility.

2. There is appropriated from the "Correctional Facilities Construction Fund of 1987" such items as may be necessary to meet any expense incurred by the issuing officials under P.L.1987, c.178 for advertising, engraving, printing, clerical, legal or other services needed to carry out the duties imposed upon them by the provisions of that act.

3. In order to provide flexibility in administering the provisions of this act, the Commissioner of the Department of Corrections may apply to the Director of the Division of Budget and Accounting in the Department of the Treasury for permission to transfer a part of any item to any other item within the respective department accounts in the "Correctional Facilities Construction Fund of 1987." The transfers shall be made in a manner consistent with section 29 of P.L.1987, c.178.

4. This act shall take effect immediately.

Approved March 18, 1994.

CHAPTER 10

AN ACT amending and supplementing "An Act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1994 and regulating the disbursement thereof," approved June 29, 1993 (P.L.1993, c.155), cancelling certain appropriations from the "Transportation Rehabilitation and Improvement Fund of 1979" made pursuant to P.L.1980, c.21, P.L.1980, c.56, P.L.1981, c.44, P.L.1981, c.190 and P.L.1981, c.408, and appropriating amounts from that fund for various State and local road purposes.

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

1. In addition to the amounts appropriated under P.L.1993, c.155, there are appropriated out of the General Fund the following sums for the purposes specified:

DIRECT STATE SERVICES	
78 DEPARTMENT OF TRANSPORTATION	
60 <i>Transportation Programs</i>	
61 <i>State Highway Facilities</i>	
06-6100 Maintenance and Operations ...	<u>\$11,000,000</u>
Special Purpose:	
Winter Snow Operations	(\$6,000,000)
Extraordinary road maintenance	
and repairs.....	(\$5,000,000)

STATE AID	
78 DEPARTMENT OF TRANSPORTATION	
60 <i>Transportation Programs</i>	
63 <i>Local Highway Facilities--State Aid</i>	
80-6220 Bureau of Local Aid	<u>\$7,000,000</u>
State Aid:	
Grants to counties for extraordinary	
road maintenance and repairs	(\$1,000,000)
Grants to municipalities for extra-	
ordinary road maintenance and	
repairs	(\$6,000,000)

The amount appropriated hereinabove for Grants to counties for extraordinary road maintenance and repairs and the amount appropriated hereinabove for Grants to municipalities for extraordinary road maintenance and repairs shall each be allocated based on a formula which gives equal consideration to population, local jurisdiction road mileage, and winter weather conditions, all as determined by the Commissioner of Transportation.

Total Appropriation, Department of	
Transportation	<u>\$18,000,000</u>

2. The project line items listed in section 1 of P.L.1993, c.155 authorized to receive federal funds are amended by the addition of the following project line item and general provision:

FEDERAL FUNDS
78 DEPARTMENT OF TRANSPORTATION
60 Transportation Programs
61 State Highway Facilities

37-6300 Surface Transportation Program

Special Purpose:

1. Construction

Bridge deck patching.....(Various).....(\$6,000,000)

From federal funds previously appropriated for the Fiscal Year 1994 transportation construction program pursuant to P.L.1993, c.155, the Commissioner of Transportation shall allocate and transfer \$6,000,000 from all or any part of any item or items in any federal program category to the new project line item for Bridge deck patching.

3. Upon certification by the Director of the Division of Budget and Accounting in the Department of the Treasury that federal funds to support the expenditure listed below are available, the following sum is appropriated:

FEDERAL FUNDS
78 DEPARTMENT OF TRANSPORTATION
60 Transportation Programs
61 State Highway Facilities

37-6300 Surface Transportation Program \$40,000,000

Special Purpose:

Route I-287, Section 5S, 4N, 3Q,
south of I-78 to Route 22 project.....(\$40,000,000)

Total Appropriation, Federal Funds \$40,000,000

4. The following portions of amounts previously appropriated from the "Transportation Rehabilitation and Improvement Fund of 1979" established pursuant to section 15 of the "New Jersey Transportation Rehabilitation and Improvement Bond Act of 1979," P.L.1979, c.165 are cancelled:

a. Pursuant to appropriations made by section 7 of P.L.1980, c.21, section 1 of P.L.1981, c.44, section 1 of P.L.1981, c.190, and sections 4 and 5 of P.L.1981, c.408, \$3,000,000 of the \$80,000,000 appropriated for improvement of county and municipal roads; and

b. Pursuant to appropriations made by section 8 of P.L.1980, c.21, section 1 of P.L.1980, c.56, section 1 of P.L.1981, c.190, and section 3 of P.L.1981, c.408, \$9,000,000 of the \$245,000,000 appropriated for the improvement of State highways.

5. The following sums are appropriated to the Department of Transportation from the "Transportation Rehabilitation and Improvement Fund of 1979," established pursuant to section 15 of the "New Jersey Transportation Rehabilitation and Improvement Bond Act of 1979," P.L.1979, c.165, for State and local road purposes as follows:

a. The sum of \$3,000,000 for grants to counties for road rehabilitation and improvement. The amount provided herein for county road purposes shall be allocated based on a formula which gives equal consideration to population, county road mileage, and winter weather conditions, all as determined by the Commissioner of Transportation; and

b. The sum of \$9,000,000 for road rehabilitation and improvement on State highways.

6. a. The specific allocation of funds appropriated by section 5 of this act shall be subject to the prior approval of the Director of the Division of Budget and Accounting in the Department of the Treasury, who may prescribe such conditions and limitations as may be necessary to provide that the allocation of said appropriations is consistent with applicable purposes, bond covenants, and other limitations that may be prescribed by law; and

b. Municipal and county expenditures made pursuant to this act shall be a special grant from the State to be included in a single annual audit.

7. This act shall take effect immediately.

Approved April 4, 1994.

CHAPTER 11

AN ACT concerning the New Jersey Small Employer Health Benefits Program, amending and supplementing P.L.1992, c.162, and amending P.L.1973, c.337.

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

1. Section 1 of P.L.1992, c.162 (C.17B:27A-17) is amended to read as follows:

C.17B:27A-17 Definitions.**1. As used in this act:**

“Actuarial certification” means a written statement by a member of the American Academy of Actuaries or other individual acceptable to the commissioner that a small employer carrier is in compliance with the provisions of section 9 of P.L.1992, c.162 (C.17B:27A-25), based upon examination, including a review of the appropriate records and actuarial assumptions and methods used by the small employer carrier in establishing premium rates for applicable health benefits plans.

“Anticipated loss ratio” means the ratio of the present value of the expected benefits, not including dividends, to the present value of the expected premiums, not reduced by dividends, over the entire period for which rates are computed to provide coverage. For purposes of this ratio, the present values must incorporate realistic rates of interest which are determined before federal taxes but after investment expenses.

“Board” means the board of directors of the program.

“Carrier” means any insurance company, health service corporation, hospital service corporation, medical service corporation or health maintenance organization authorized to issue health benefits plans in this State. For purposes of this act, carriers that are affiliated companies shall be treated as one carrier, except that any insurance company, health service corporation, hospital service corporation, or medical service corporation that is an affiliate of a health maintenance organization located in New Jersey or any health maintenance organization located in New Jersey that is affiliated with an insurance company, health service corporation, hospital service corporation, or medical service corporation shall treat the health maintenance organization as a separate carrier.

“Commissioner” means the Commissioner of Insurance.

“Community rating” means a rating methodology in which the premium for all persons covered by a policy or contract form is the same based upon the experience of the entire pool of risks covered by that policy or contract form without regard to age, gender, health status, residence or occupation.

“Department” means the Department of Insurance.

“Dependent” means the spouse or child of an eligible employee, subject to applicable terms of the health benefits plan covering the employee.

“Eligible employee” means a full-time employee who works a normal work week of 25 or more hours. The term includes a sole proprietor, a partner of a partnership, or an independent contrac-

tor, if the sole proprietor, partner, or independent contractor is included as an employee under a health benefits plan of a small employer, but does not include employees who work less than 25 hours a week, work on a temporary or substitute basis or are participating in an employee welfare arrangement established pursuant to a collective bargaining agreement.

“Financially impaired” means a carrier which, after the effective date of this act, is not insolvent, but is deemed by the commissioner to be potentially unable to fulfill its contractual obligations or a carrier which is placed under an order of rehabilitation or conservation by a court of competent jurisdiction.

“Health benefits plan” means any hospital and medical expense insurance policy or certificate; health, hospital, or medical service corporation contract or certificate; or health maintenance organization subscriber contract or certificate delivered or issued for delivery in this State by any carrier to a small employer group pursuant to section 3 of P.L.1992, c.162 (C.17B:27A-19). For purposes of this act, “health benefits plan” excludes the following plans, policies, or contracts: accident only, credit, disability, long-term care, coverage for Medicare services pursuant to a contract with the United States government, Medicare supplement, dental only or vision only, insurance issued as a supplement to liability insurance, coverage arising out of a workers’ compensation or similar law, hospital confinement or other supplemental limited benefit insurance coverage, automobile medical payment insurance, or personal injury protection coverage issued pursuant to P.L.1972, c.70 (C.39:6A-1 et seq.).

“Late enrollee” means an eligible employee or dependent who requests enrollment in a health benefits plan of a small employer following the initial minimum 30-day enrollment period provided under the terms of the health benefits plan. An eligible employee or dependent shall not be considered a late enrollee if the individual: a. was covered under another employer’s health benefits plan at the time he was eligible to enroll and stated at the time of the initial enrollment that coverage under that other employer’s health benefits plan was the reason for declining enrollment; b. has lost coverage under that other employer’s health benefits plan as a result of termination of employment, the termination of the other plan’s coverage, death of a spouse, or divorce; and c. requests enrollment within 90 days after termination of coverage provided under another employer’s health benefits plan. An eligible employee or dependent also shall not be considered a late enrollee if the individual is employed by an employer which offers multiple health

benefits plans and the individual elects a different plan during an open enrollment period; or if a court of competent jurisdiction has ordered coverage to be provided for a spouse or minor child under a covered employee's health benefits plan and request for enrollment is made within 30 days after issuance of that court order.

"Member" means all carriers issuing health benefits plans in this State on or after the effective date of this act.

"Multiple employer arrangement" means an arrangement established or maintained to provide health benefits to employees and their dependents of two or more employers, under an insured plan purchased from a carrier in which the carrier assumes all or a substantial portion of the risk, as determined by the commissioner, and shall include, but is not limited to, a multiple employer welfare arrangement, or MEWA, multiple employer trust or other form of benefit trust.

"Plan of operation" means the plan of operation of the program including articles, bylaws and operating rules approved pursuant to section 14 of P.L.1992, c.162 (C.17B:27A-30).

"Preexisting condition provision" means a policy or contract provision that excludes coverage under that policy or contract for charges or expenses incurred during a specified period following the insured's effective date of coverage, for a condition that, during a specified period immediately preceding the effective date of coverage, had manifested itself in such a manner as would cause an ordinarily prudent person to seek medical advice, diagnosis, care or treatment, or for which medical advice, diagnosis, care or treatment was recommended or received as to that condition or as to pregnancy existing on the effective date of coverage.

"Program" means the New Jersey Small Employer Health Benefits Program established pursuant to section 12 of P.L.1992, c.162 (C.17B:27A-28).

"Reinsuring carrier" means a small employer carrier electing to receive reimbursement from the program in accordance with section 19 of P.L.1992, c.162 (C.17B:27A-35).

"Risk-assuming carrier" means a small employer carrier electing to assume risks pursuant to section 18 of P.L.1992, c.162 (C.17B:27A-34).

"Small employer" means any person, firm, corporation, partnership, or association actively engaged in business which, on at least 50 percent of its working days during the preceding calendar year quarter, employed at least two but no more than 49 eligible employees, the majority of whom are employed within the State of New Jersey. In determining the number of eligible employees,

companies which are affiliated companies shall be considered one employer. Subsequent to the issuance of a health benefits plan to a small employer pursuant to the provisions of this act, and for the purpose of determining eligibility, the size of a small employer shall be determined annually. Except as otherwise specifically provided, provisions of this act which apply to a small employer shall continue to apply until the anniversary date of the health benefits plan next following the date the employer no longer meets the definition of a small employer.

“Small employer carrier” means any carrier that offers health benefits plans covering eligible employees of one or more small employers.

“Small employer health benefits plan” means a health benefits plan for small employers approved by the commissioner pursuant to section 17 of P.L.1992, c.162 (C.17B:27A-33).

“Supplemental limited benefit insurance” means insurance that is provided in addition to a health benefits plan on an indemnity non-expense incurred basis.

2. Section 3 of P.L.1992, c.162 (C.17B:27A-19) is amended to read as follows:

C.17B:27A-19 Five health benefit plans offered to small employers; exceptions.

3. a. Except as provided in subsection f. of this section, every small employer carrier shall, as a condition of transacting business in this State, offer to every small employer the five health benefit plans as provided in this section. The board shall establish a standard policy form for each of the five plans, which except as otherwise provided in subsection j. of this section, shall be the only plans offered to small groups on or after January 1, 1994. One policy form shall contain the benefits provided for in sections 55, 57, and 59 of P.L.1991, c.187 (C.17:48E-22.2, 17B:26B-2 and 26:2J-4.3). In the case of indemnity carriers, one policy form shall be established which contains benefits and cost sharing levels which are equivalent to the health benefits plans of health maintenance organizations pursuant to the “Health Maintenance Organization Act of 1973,” Pub.L.93-222 (42 U.S.C. § 300e et seq.). The remaining policy forms shall contain basic hospital and medical-surgical benefits, including, but not limited to:

- (1) Basic inpatient and outpatient hospital care;
- (2) Basic and extended medical-surgical benefits;
- (3) Diagnostic tests, including X-rays;
- (4) Maternity benefits, including prenatal and postnatal care; and

(5) Preventive medicine, including periodic physical examinations and inoculations.

At least three of the forms shall provide for major medical benefits in varying lifetime aggregates, one of which shall provide at least \$1,000,000 in lifetime aggregate benefits. The policy forms provided pursuant to this section shall contain benefits representing progressively greater actuarial values.

b. Initially, a carrier shall offer a plan within 90 days of the approval of such plan by the commissioner. Thereafter, the plans shall be available to all small employers on a continuing basis. Every small employer which elects to be covered under any health benefits plan who pays the premium therefor and who satisfies the participation requirements of the plan shall be issued a policy or contract by the carrier.

c. The carrier may establish a premium payment plan which provides installment payments and which may contain reasonable provisions to ensure payment security, provided that provisions to ensure payment security are uniformly applied.

d. In addition to the five standard policies described in subsection a. of this section, the board may develop up to five rider packages. Any such package which a carrier chooses to offer shall be issued to a small employer who pays the premium therefor, and shall be subject to the rating methodology set forth in section 9 of P.L.1992, c.162 (C.17B:27A-25).

e. Notwithstanding the provisions of subsection a. of this section to the contrary, the board may approve a health benefits plan containing only medical-surgical benefits or major medical expense benefits, or a combination thereof, which is issued as a separate policy in conjunction with a contract of insurance for hospital expense benefits issued by a hospital service corporation, if the health benefits plan and hospital service corporation contract combined otherwise comply with the provisions of P.L.1992, c.162 (C.17B:27A-17 et seq.).

f. Notwithstanding the provisions of this section to the contrary, a health maintenance organization which is a qualified health maintenance organization pursuant to the "Health Maintenance Organization Act of 1973," Pub.L.93-222 (42 U.S.C. §300e et seq.) shall be permitted to offer health benefits plans formulated by the board and approved by the commissioner which are in accordance with the provisions of that law in lieu of the five plans required pursuant to this section.

Notwithstanding the provisions of this section to the contrary, a health maintenance organization which is approved pursuant to P.L.1973, c.337 (C.26:2J-1 et seq.) shall be permitted to offer

health benefits plans formulated by the board and approved by the commissioner which are in accordance with the provisions of that law in lieu of the five plans required pursuant to this section, except that the plans shall provide the same level of benefits as required for a federally qualified health maintenance organization, including any requirements concerning copayments by enrollees.

g. A carrier shall not be required to own or control a health maintenance organization or otherwise affiliate with a health maintenance organization in order to comply with the provisions of this section, but the carrier shall be required to offer the five health benefits plans which are formulated by the board and approved by the commissioner, including one plan which contains benefits and cost sharing levels that are equivalent to those required for health maintenance organizations.

h. Notwithstanding the provisions of subsection a. of this section to the contrary, the board may modify the benefits provided for in sections 55, 57 and 59 of P.L.1991, c.187 (C.17:48E-22.2, 17B:26B-2 and 26:2J-4.3).

i. (1) In addition to the rider packages provided for in subsection d. of this section, every carrier may offer, in connection with the five health benefits plans required to be offered by this section, any number of riders which may revise the coverage offered by the five plans in any way, provided, however, that any form of such rider or amendment thereof which decreases benefits or decreases the actuarial value of one of the five plans shall be filed for informational purposes with the board and for approval by the commissioner before such rider may be sold. Any rider or amendment thereof which adds benefits or increases the actuarial value of one of the five plans shall be filed with the board for informational purposes before such rider may be sold.

The commissioner shall disapprove any rider filed pursuant to this subsection that is unjust, unfair, inequitable, unreasonably discriminatory, misleading, contrary to law or the public policy of this State. The commissioner shall not approve any rider which reduces benefits below those required by sections 55, 57 and 59 of P.L.1991, c.187 (C.17:48E-22.2, 17B:26B-2 and 26:2J-4.3) and required to be sold pursuant to this section. The commissioner's determination shall be in writing and shall be appealable.

(2) The benefit riders provided for in paragraph (1) of this subsection shall be subject to the provisions of section 2, subsection b. of section 3, and sections 6, 7, 8, 9 and 11 of P.L.1992, c.162 (C.17B:27A-18,

17B:27A-19b., 17B:27A-22, 17B:27A-23, 17B:27A-24, 17B:27A-25, and 17B:27A-27).

j. (1) Notwithstanding the provisions of P.L.1992, c.162 (C.17B:27A-17 et seq.) to the contrary, a health benefits plan issued by or through a carrier, association, multiple employer arrangement or out-of-State trust prior to January 1, 1994, at the option of a small employer policy or contract holder, may be renewed or continued after February 28, 1994, or in the case of such a health benefits plan whose anniversary date occurred between March 1, 1994 and the effective date of P.L.1994, c.11 (C.17B:27A-19.1 et al.), may be reinstated within 60 days of that anniversary date, for two successive 12-month periods commencing with the first 12-month anniversary date occurring after February 28, 1994, notwithstanding the provisions of P.L.1992, c.162 (C.17B:27A-17 et seq.) to the contrary, if, beginning on the first 12-month anniversary date occurring on or after the sixtieth day after the board adopts regulations concerning the implementation of the rating factors permitted by section 9 of P.L.1992, c.162 (C.17B:27A-25) and, regardless of the situs of delivery of the health benefits plan, the health benefits plan renewed, continued or reinstated pursuant to this subsection complies with the provisions of section 2, subsection b. of section 3, and sections 6, 7, 8, 9 and 11 of P.L.1992, c.162 (C.17B:27A-18, 17B:27A-19b., 17B:27A-22, 17B:27A-23, 17B:27A-24, 17B:27A-25 and 17B:27A-27).

Nothing in this subsection shall be construed to require an association, multiple employer arrangement or out-of-State trust to provide health benefits coverage to small employers that are not contemplated by the organizational documents, bylaws, or other regulations governing the purpose and operation of the association, multiple employer arrangement or out-of-State trust. Notwithstanding the foregoing provision to the contrary, an association, multiple employer arrangement or out-of-State trust that offers health benefits coverage to its members' employees and dependents shall offer coverage to all eligible employees and their dependents within the membership of the association, multiple employer arrangement or out-of-State trust and an association, multiple employer arrangement or out-of-State trust shall not use actual or expected health status in determining its membership.

(2) Notwithstanding the provisions of this subsection to the contrary, a carrier or out-of-State trust which writes the health benefits plans required pursuant to subsection a. of this section, shall be required to offer those plans to any small employer, association or multiple employer arrangement.

(3) A carrier, association, multiple employer arrangement or out-of-State trust shall not withdraw a health benefits plan marketed to small employers that was in effect on December 31, 1993 without the approval of the commissioner. The commissioner shall approve a request to withdraw a plan only on the grounds that retention of the plan would present a substantial threat to the financial condition of the carrier.

(4) Notwithstanding the provisions of P.L.1992, c.162 (C.17B:27A-17 et seq.) to the contrary, a health benefits plan in effect on the effective date of P.L.1994, c.11 (C.17B:27A-19.1 et al.) shall remain in effect until the third 12-month anniversary date occurring after February 28, 1994 of that policy or contract and may, at the option of the policy or contract holder, be renewed or continued until the second 12-month anniversary date of that policy or contract occurring after February 28, 1994.

(5) A health benefits plan that otherwise conforms to the requirements of this subsection shall be deemed to be in compliance with this subsection, notwithstanding any change in the plan's deductible or copayment.

(6) A health benefits plan renewed, continued or reinstated pursuant to this subsection shall be filed with the commissioner for informational purposes within 30 days after its renewal date. No later than 60 days after the board adopts regulations concerning the implementation of the rating factors permitted by section 9 of P.L.1992, c.162 (C.17B:27A-25) the filing shall be amended to show any modifications in the plan that are necessary to comply with the provisions of this subsection. The commissioner shall monitor compliance of any such plan with the requirements of this subsection, except that the board shall enforce the loss ratio requirements.

(7) Notwithstanding the provisions of P.L.1992, c.162 (C.17B:27A-17 et seq.) to the contrary, an association, multiple employer arrangement or out-of-State trust may offer a health benefits plan authorized to be renewed, continued or reinstated pursuant to this subsection to small employer groups that are otherwise eligible pursuant to paragraph (1) of subsection j. of this section during the period for which such health benefits plan is otherwise authorized to be renewed, continued or reinstated.

(8) Notwithstanding the provisions of P.L.1992, c.162 (C.17B:27A-17 et seq.) to the contrary, a carrier, association, multiple employer arrangement or out-of-State trust may offer coverage under a health benefits plan authorized to be renewed, continued or reinstated pursuant to this subsection to new employees of small employer groups that were

covered by the health benefits plan on December 31, 1993, during the period for which such health benefits plan is otherwise authorized to be renewed, continued or reinstated.

(9) Notwithstanding the provisions of P.L.1992, c.162 (C.17B:27A-17 et seq.) or P.L.1992, c.161 (C.17B:27A-2 et seq.) to the contrary, any individual, who is eligible for small employer coverage under a policy issued, renewed, continued or reinstated pursuant to this subsection, but who would be subject to a preexisting condition exclusion under the small employer health benefits plan, or who is a member of a small employer group who has been denied coverage under the small employer group health benefits plan for health reasons, may elect to purchase or continue coverage under an individual health benefits plan until such time as the group health benefits plan covering the small employer group of which the individual is a member complies with the provisions of P.L.1992, c.162 (C.17B:27A-17 et seq.).

3. Section 8 of P.L.1992, c.162 (C.17B:27A-24) is amended to read as follows:

C.17B:27A-24 Reasonable specified minimum participation.

8. Any small employer carrier may require a reasonable specified minimum participation of eligible employees, which shall not exceed 75%, or reasonable minimum employer contributions in determining whether to accept a small group pursuant to this act. The standards so established by the carrier shall be first approved by the board and shall be applied uniformly to all small groups, except that in no event shall a carrier require an employer to contribute more than 10% to the annual cost of the policy or contract, or an amount as otherwise provided by the board, and any minimum participation standards established by the carrier shall be reasonable. In establishing the percentage of employee participation, a one-to-one credit shall be given for each employee covered by a spouse's health benefits coverage or for each employee participating in an employee welfare benefits plan established pursuant to a collective bargaining agreement. In calculating an employer's participation, the carrier shall include all insured employees, regardless of whether the employees chose an indemnity plan or a health maintenance organization, or a combination thereof.

4. Section 9 of P.L.1992, c.162 (C.17B:27A-25) is amended to read as follows:

C.17B:27A-25 Community rating required; other plan requirements.

9. a. (1) Beginning on the third 12-month anniversary date of any policy or contract issued in 1994, no small employer health benefits plan shall be issued in this State unless the plan is community rated.

(2) Beginning January 1, 1994 and upon the first 12-month anniversary date thereafter of the policy or contract, the premium rate charged by a carrier to the highest rated small group purchasing a small employer health benefits plan issued pursuant to P.L.1992, c.162 (C.17B:27A-17 et seq.) shall not be greater than 300% of the premium rate charged to the lowest rated small group purchasing that same health benefits plan; provided, however, that the only factors upon which the rate differential may be based are age, gender and geography, and provided further, that such factors are applied in a manner consistent with regulations adopted by the board.

(3) Beginning on the second 12-month anniversary after the date established in paragraph (2) of this subsection of the policy or contract, the premium rate charged by a carrier to the highest rated small group purchasing a small employer health benefits plan issued pursuant to P.L.1992, c.162 (C.17B:27A-17 et seq.) shall not be greater than 200% of the premium rate charged for the lowest rated small group purchasing that same health benefits plan; provided, however, that the only factors upon which the rate differential may be based are age, gender and geography, and provided further, that such factors are applied in a manner consistent with regulations adopted by the board.

(4) (Deleted by amendment, P.L.1994, c.11).

(5) Any policy or contract issued after January 1, 1994 to a small employer who was not previously covered by a health benefits plan issued by the issuing small employer carrier, shall be subject to the same premium rate restrictions as provided in paragraphs (1), (2) and (3) of this subsection, which rate restrictions shall be effective on the date the policy or contract is issued.

(6) The board shall establish, pursuant to section 17 of P.L.1993, c.162 (C.17B:27A-51):

(a) up to six geographic territories, none of which is smaller than a county; and

(b) age classifications which, at a minimum, shall be in five-year increments.

b. (Deleted by amendment, P.L.1993, c.162).

c. Notwithstanding any other provision of law to the contrary, no carrier offering any health benefits plan pursuant to the provisions of this act shall act to circumvent the intent of this act by

acting as a third party administrator for groups of small employers, any one of whom was insured as of September 1, 1992; provided, however, that this provision shall not act to limit a bona fide group of small employers who voluntarily act together to provide health benefits to their employees.

d. Notwithstanding any other provision of law to the contrary, this act shall apply to a carrier which issues a policy to an association or trust of employers, if the group includes one or more member employers or other member groups which have at least two but no more than 49 employees or members exclusive of spouses and dependents; except that, this act shall not apply to a carrier which issued a policy exclusively to the members of an association, on or before the effective date of P.L.1992, c.162 (C.17B:27A-17 et seq.), if the policy was written in the name of the association, the carrier writes no other group health insurance policy in this State and the aggregate number of insured association members exceeds 49.

A carrier which is not exempt from the provisions of this act pursuant to this subsection and which issues a policy to an association or trust of employers after the effective date of P.L.1992, c.162 (C.17B:27A-17 et seq.), shall be required to offer small employer health benefits plans to non-association or trust employers in the same manner as any other small employer carrier is required pursuant to P.L.1992, c.162 (C.17B:27A-17 et seq.).

e. Nothing contained herein shall prohibit the use of premium rate structures to establish different premium rates for individuals and family units.

f. No insurance contract or policy subject to this act may be entered into unless and until the carrier has made an informational filing with the commissioner of a schedule of premiums, not to exceed 12 months in duration, to be paid pursuant to such contract or policy, of the carrier's rating plan and classification system in connection with such contract or policy, and of the actuarial assumptions and methods used by the carrier in establishing premium rates for such contract or policy.

g. (1) Beginning January 1, 1995, a carrier desiring to increase or decrease premiums for any policy form or benefit rider offered pursuant to subsection i. of section 3 of P.L.1992, c.162 (C.17B:27A-19) subject to this act may implement such increase or decrease upon making an informational filing with the commissioner of such increase or decrease, along with the actuarial assumptions and methods used by the carrier in establishing such increase or decrease, provided that the anticipated minimum loss

ratio for a policy form shall not be less than 75% of the premium therefor. Until December 31, 1996, the informational filing shall also include the carrier's rating plan and classification system in connection with such increase or decrease.

(2) Each calendar year, a carrier shall return, in the form of aggregate benefits for each of the five standard policy forms offered by the carrier pursuant to section 3 of P.L.1992, c.162 (C.17B:27A-19), at least 75% of the aggregate premiums collected for the policy form during that calendar year. Carriers shall annually report, no later than August 1st of each year, the loss ratio calculated pursuant to this section for each such policy form for the previous calendar year. In each case where the loss ratio for a policy fails to substantially comply with the 75% loss ratio requirement, the carrier shall issue a dividend or credit against future premiums for all policyholders with that policy form in an amount sufficient to assure that the aggregate benefits paid in the previous calendar year plus the amount of the dividends and credits shall equal 75% of the aggregate premiums collected for the policy form in the previous calendar year. The dividend or credit shall be issued to each policy which was in effect as of March 30th of the applicable year and remains in effect as of the date the dividend or credit is issued. All dividends and credits must be distributed by December 31 of the year following the calendar year in which the loss ratio requirements were not satisfied. The annual report required by this paragraph shall include a carrier's calculation of the dividends and credits, as well as an explanation of the carrier's plan to issue dividends or credits. The instructions and format for calculating and reporting loss ratios and issuing dividends or credits shall be specified by the commissioner by regulation. Such regulations shall include provisions for the distribution of a dividend or credit in the event of cancellation or termination by a policyholder.

h. (Deleted by amendment, P.L.1993, c.162).

i. The provisions of this act shall apply to health benefits plans which are delivered, issued for delivery, renewed or continued on or after January 1, 1994.

j. Except as provided in subsection j. of section 3 of P.L.1992, c.162 (C.17B:27A-19), a policy or contract covering two or more employees of a small employer issued by a carrier prior to January 1, 1994 shall remain in effect until the first 12-month anniversary date after February 28, 1994 of that policy or contract, but at least 60 days before the first 12-month anniversary date thereof the carrier shall be required to offer the small employer a policy or contract pursuant to section 3 of P.L.1992, c.162 (C.17B:27A-19).

5. Section 15 of P.L.1992, c.162 (C.17B:27A-31) is amended to read as follows:

C.17B:27A-31 Contents of plan of operation.

15. The plan of operation shall constitute a public record and shall include, but not be limited to, the following:

- a. A method of handling and accounting for assets and moneys of the program and an annual fiscal reporting to the commissioner;
- b. A means of providing for the filling of vacancies on the board, subject to the approval of the commissioner;
- c. (Deleted by amendment, P.L.1993, c.162).
- d. The method to be used to determine the extent to which a carrier's payment per insured for each of the health benefits plans issued by a carrier pursuant to subsection a. of section 3 of P.L.1992, c.162 (C.17B:27A-19), exceeds the Statewide average payment per insured for each of the health benefits plans issued by a carrier pursuant to subsection a. of section 3 of P.L.1992, c.162 (C.17B:27A-19);
- e. The method for determining the extent to which a carrier whose average cost of insuring individuals covered by small employer health benefits plans issued by a carrier pursuant to subsection a. of section 3 of P.L.1992, c.162 (C.17B:27A-19) exceeds the threshold described in subsection c. of section 13 of P.L.1992, c.162 (C.17B:27A-29) may receive reimbursement from the program;
- f. A statement of the efficiency and risk management standards a carrier must meet before a carrier may receive reimbursement from the program; and
- g. Any additional matters which are appropriate to effectuate the provisions of this act.

6. Section 19 of P.L.1992, c.162 (C.17B:27A-35) is amended to read as follows:

C.17B:27A-35 Reimbursement to reinsuring carriers; election.

19. a. Any member which elects to be a reinsuring carrier may receive reimbursement for each of the health benefits plans the member issues pursuant to subsection a. of section 3 of P.L.1992, c.162 (C.17B:27A-19) in accordance with the standards developed by the board pursuant to subsections d., e. and f. of section 15 of P.L.1992, c.162 (C.17B:27A-31).

b. Election to become a reinsuring carrier shall be binding for a five-year period, except that the initial election shall be made within 30 days of the submission to the commissioner of the plan

of operation provided for in section 14 of this act, and shall be effective for two years. Notwithstanding the provisions of this act regarding a carrier's election to become a risk-assuming or reinsuring carrier to the contrary, each carrier may elect to be a risk-assuming carrier or a reinsuring carrier and shall file notice of such election with the board not more than 60 days after the board adopts regulations concerning the implementation of the rating factors permitted by section 9 of P.L.1992, c.162 (C.17B:27A-25) and said election shall be effective for a period of two years.

7. Section 21 of P.L.1992, c.162 (C.17B:27A-37) is amended to read as follows:

C.17B:27A-37 Board to determine net loss by program; recouping.

21. a. Following the close of the calendar year ending December 31, the board shall determine the total amount owed by the program in that calendar year to all carriers qualifying for reimbursement by the program for each of the health benefits plans issued by a carrier pursuant to subsection a. of section 3 of P.L.1992, c.162 (C.17B:27A-19). Such amount shall be known as the net loss of the program.

b. Any net loss for the year shall be recouped by assessments of members. Assessments shall first be apportioned by the board among all reinsuring carrier members in proportion to their respective shares of the plan premiums earned in this State from health benefits plans covering small employers during the calendar year coinciding with or ending during the fiscal year of the program, including any health benefits plan issued, renewed, continued or reinstated by a carrier pursuant to subsection j. of section 3 of P.L.1992, c.162 (C.17B:27A-19), or on any other equitable basis reflecting coverage of small employers as may be provided in the plan of operation. In making this determination, the board may base the assessments upon annual reports and other data filed by the member small employer carrier.

c. If the net loss is not recouped before assessments totaling 4% of the aggregate premiums from policies or contracts covering small employers have been collected from reinsuring small employer carriers, additional assessments not to exceed 1% of the aggregate premiums from all health benefits policies or contracts shall be apportioned by the board among all members, including risk-assuming carriers, in proportion to their respective shares of the total health benefits plan premiums earned in this State from all health

benefits plans during the preceding calendar year. A carrier shall receive a credit against this assessment to the extent the carrier can demonstrate that its assumption of high-risk small employer groups which are not reinsured is proportionate to its market share of small employer health benefits plans, as such groups and market shares are defined by the board in the plan of operation. A carrier shall not be assessed for all individual non-group contracts or policies issued on a guaranteed issue basis or on any coverage issued by the carrier pursuant to the Medicaid program, P.L.1968, c.413 (C.30:4D-1 et seq.).

d. If assessments exceed actual losses and administrative expenses of the program, the excess shall be held as interest and used by the board to offset future losses or to reduce program premiums. As used in this subsection, "future losses" includes reserves for incurred but not reported claims.

e. Provision may be established in the plan of operation for the imposition of an interest penalty for late payment of assessments.

8. a. The commissioner, in consultation with the Commissioner of Health, shall study the impact on the health insurance market of the transition from the rating methodology described in section 9 of P.L.1992, c.162 (C.17B:27A-25) to community rating. In conducting this study, the commissioners shall consult with representatives of the small business community, health insurers, health care providers, consumer groups and state officials in other states and shall:

(1) consider the effectiveness of community rating in furthering the public policy aims of providing affordable and accessible health insurance;

(2) examine the impact that community rating has had on the small employer health insurance market in other states with similar laws;

(3) analyze the probable impact that the continued phase-down to community rating would have on a non-mandatory small employer health insurance market and on the State's uninsured and uncompensated care funding systems; and

(4) include such other information and recommendations as the commissioners deem relevant.

b. The commissioners shall report their findings and recommendations to the Governor and the Legislature no later than six months from the effective date of P.L.1994, c.11 (C.17B:27A-19.1 et al.) on a date that both Houses of the Legislature are in session.

9. The board shall study the feasibility of permitting the use of medical savings account plans under the New Jersey Small Employer Health

Benefits Program. In conducting this study, the board shall consult with: representatives of the health insurance industry; health care providers; businesses and other groups using medical savings account plans or similar plans; consumer and public interest groups; and such other persons with expertise deemed relevant by the board. The board shall report its findings to the Governor and the Legislature on a day that both Houses of the Legislature are in session, but not later than January 1, 1995.

For purposes of this section, "medical savings account plan" means a health benefits plan that establishes a tax-deferred savings account to be used for routine medical care and, in addition, provides a high deductible health benefits plan.

C.17B:27A-19.1 Hospital confinement, other supplemental limited benefit insurance plans; requirements.

10. a. A carrier shall not deliver or issue for delivery a hospital confinement or other supplemental limited benefit insurance plan unless the applicant for such coverage signs a statement on the application form that confirms that the applicant is already covered under a health benefits plan contract or policy. The application form shall be filed with the board on an informational basis.

b. A hospital confinement plan or other supplemental limited benefit insurance plan issued to a small employer or other group health benefits plan provider or to individual employees of a small employer or other group health benefits provider:

(1) shall be subject to the same rating requirements that apply to health benefits plans issued pursuant to paragraph (2) of subsection a. of section 9 of P.L.1992, c.162 (C.17B:27A-25), except that a hospital confinement plan and supplemental limited benefit insurance plan shall be subject to the commissioner's exclusive review and regulation with regard to loss ratios, medical underwriting and eligibility requirements, and form approval; and

(2) may include preexisting condition exclusions.

c. A health benefits plan shall not coordinate benefits against any hospital confinement or other supplemental limited benefit insurance plan.

11. Section 8 of P.L.1973, c.337 (C.26:2J-8) is amended to read as follows:

C.26:2J-8 Evidence of coverage.

8. Evidence of coverage. a. (1) Enrollees are entitled to receive evidence of coverage and evidence of the total amount of payment which the enrollee is obligated to prepay for health care services

and, where applicable, for indemnity benefits. If an enrollee obtains coverage through an insurance policy or through a contract issued by a hospital or medical service corporation or health service corporation, whether by option or otherwise, the insurer or the hospital or medical service corporation or health service corporation shall issue the evidence of coverage. Otherwise, the health maintenance organization shall issue the evidence of coverage.

(2) No evidence of coverage, or amendment thereto, shall be issued or delivered to any person until a copy of the form of the evidence of coverage, or amendment thereto, has been filed with the commissioner or, where applicable, with the Commissioner of Insurance.

(3) An evidence of coverage shall contain:

(a) provisions or statements which are not unjust, unfair, inequitable, misleading, deceptive, or which encourage misrepresentation, or which are untrue, misleading or deceptive as defined in subsection a. of section 15 of P.L.1973, c.337 (C.26:2J-15); and

(b) a clear and complete statement, if a contract, or a reasonably complete summary, if a certificate, of:

(i) the health care services and where applicable the insurance or other benefits, if any, to which enrollees are entitled;

(ii) any limitations on the services, kind of services, benefits, or kind of benefits, to be provided, including any deductible or co-payment feature;

(iii) where and in what manner information is available as to how services may be obtained;

(iv) a clear and understandable description of the health maintenance organization's method for resolving enrollee complaints; and

(v) the total amount of payment for health care services and the indemnity or service benefits, if any, which the enrollee is obligated to pay with respect to individual contracts, or an indication whether the plan is contributory or non-contributory with respect to group certificates.

(4) Any subsequent change may be evidenced in a separate document issued to the enrollee.

b. (1) no schedule of charges for enrollee coverage for health care services, or amendment thereto, may be used by a health maintenance organization until a copy of such schedule, or amendment thereto, has been filed with the Commissioner of Insurance for informational purposes; provided, however, that the Commissioner of Insurance may bring an enforcement action pursuant to P.L.1973, c.337 (C.26:2J-1 et seq.) if the commissioner has reason to believe that the rates are excessive, inadequate or unfairly discriminatory.

(2) such charges may be established in accordance with actuarial principles for various categories of enrollees, provided that charges applicable to an enrollee shall not be individually determined based on the status of his health. However, the charges shall not be excessive, inadequate, or unfairly discriminatory. A certification, by a qualified actuary, to the appropriateness of the charges, based on reasonable assumptions, shall accompany the filing.

c. The commissioner or, where applicable, the Commissioner of Insurance shall approve any form if the requirements of subsection a. of this section are met. It shall be unlawful to issue such form until approved. If the commissioner or Commissioner of Insurance, where applicable, disapproves such filing, he shall notify the filer. In the notice, the commissioner or Commissioner of Insurance, where applicable, shall specify the reasons for his disapproval. A hearing will be granted within 20 days after a request in writing by the person filing. If the commissioner or Commissioner of Insurance, where applicable, does not approve any form within 30 days of the filing of such forms, they shall be deemed approved.

d. The commissioner or Commissioner of Insurance, where applicable, may require the submission of whatever relevant information he deems necessary in determining whether to approve or disapprove a filing made pursuant to subsection a. of this section.

12. This act shall take effect immediately.

Approved April 4, 1994.

CHAPTER 12

AN ACT to declare a state of emergency for prison crowding and to authorize the Governor to issue executive orders.

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

1. The Legislature finds and declares that State prisons and other penal and correctional institutions of the New Jersey Department of Corrections continue to house populations of inmates in excess of their capacities and remain overcrowded. These conditions endanger the safety, welfare, and resources of the State and cannot be handled effectively through regular State corrections operations. The

Legislature is therefore declaring a continuing state of emergency in the State prisons and other penal and correctional institutions of the New Jersey Department of Corrections. The purpose of this act is to confer upon the Governor the authority to issue executive orders to alleviate the state of emergency existing in the penal and correctional institutions of the New Jersey Department of Corrections.

2. There is hereby declared a continuing state of emergency in connection with the crowding in State prisons and other penal and correctional institutions of the New Jersey Department of Corrections.

3. In order to address the effects of the continuing state of emergency declared herein, the Governor is authorized to issue such executive orders pursuant to this act as the Governor deems necessary and appropriate to respond to the crowding problem in the State prisons and other penal and correctional institutions of the New Jersey Department of Corrections to ensure the safety, welfare and resources of the residents of the State for such period or periods designated by the Governor, but not to extend beyond the date the Legislature determines the state of emergency no longer exists.

4. This act shall take effect immediately, and shall remain in effect for a period of time not to exceed two years from the date of enactment at which time the Legislature may continue the state of emergency for prison crowding by subsequent legislative action.

Approved April 4, 1994.

CHAPTER 13

AN ACT regarding genocide education in the public schools and supplementing chapter 35 of Title 18A of the New Jersey Statutes.

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

C.18A:35-27 Findings, declarations.

1. The Legislature finds and declares that:
 - a. New Jersey has recently become the focal point of national attention for the most venomous and vile of ethnic hate speeches.

b. There is an inescapable link between violence and vandalism and ethnic and racial intolerance. The New Jersey Department of Education itself has formally recognized the existence of the magnitude of this problem in New Jersey schools by the formation of a Commissioner's Task Force on Violence and Vandalism.

c. New Jersey is proud of its enormous cultural diversity. The teaching of tolerance must be made a priority if that cultural diversity is to remain one of the State's strengths.

d. National studies indicate that fewer than 25% of students have an understanding of organized attempts throughout history to eliminate various ethnic groups through a systematic program of mass killing or genocide.

e. The New Jersey Commission on Holocaust Education, created pursuant to P.L.1991, c.193 (C.18A:4A-1 et seq.), several years ago expanded its mission to study and recommend curricular material on a wide range of genocides. The Holocaust Commission is an ideal agency to recommend curricular materials to local districts.

C.18A:35-28 Instruction on Holocaust, genocides required in elementary, secondary school curriculum.

2. a. Every board of education shall include instruction on the Holocaust and genocides in an appropriate place in the curriculum of all elementary and secondary school pupils.

b. The instruction shall enable pupils to identify and analyze applicable theories concerning human nature and behavior; to understand that genocide is a consequence of prejudice and discrimination; and to understand that issues of moral dilemma and conscience have a profound impact on life. The instruction shall further emphasize the personal responsibility that each citizen bears to fight racism and hatred whenever and wherever it happens.

3. This act shall take effect immediately and shall first apply to curriculum offerings in the 1994-95 school year.

Approved April 7, 1994.

CHAPTER 14

AN ACT concerning the regulation of underground storage tanks and amending P.L.1986, c.102.

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

1. Section 2 of P.L.1986, c.102 (C.58:10A-22) is amended to read as follows:

C.58:10A-22 Definitions.

2. As used in this act:

- a. "Commissioner" means the Commissioner of the Department of Environmental Protection;
- b. "Department" means the Department of Environmental Protection;
- c. "Discharge" means the intentional or unintentional release by any means of hazardous substances from an underground storage tank into the environment;
- d. "Facility" means one or more underground storage tanks;
- e. "Hazardous substances" means motor fuels and those elements and compounds, including petroleum products which are liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute), which are defined as hazardous substances by the department after public hearing, and which shall be consistent to the maximum extent possible with and which shall include the list of hazardous wastes adopted by the United States Environmental Protection Agency pursuant to section 3001 of the "Resource Conservation and Recovery Act of 1976," Pub.L.94-580 (42 U.S.C. §6921), the list of hazardous substances adopted by the United States Environmental Protection Agency pursuant to section 311 of the "Federal Water Pollution Control Act Amendments of 1972," Pub.L.92-500 (33 U.S.C. §1321), the list of toxic pollutants designated by Congress or the Environmental Protection Agency pursuant to section 307 of that act (33 U.S.C. §1317), and any substance defined as a hazardous substance pursuant to section 101(14) of the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," Pub.L.96-510 (42 U.S.C. §9601);
- f. "Leak" means the release of a hazardous substance from an underground storage tank into a space created by a method of secondary containment wherein it can be detected by visual inspection or a monitoring system before it enters the environment;
- g. "Monitoring system" means a system capable of detecting leaks or discharges, or both, other than an inventory control system,

used in conjunction with an underground storage tank, or a facility, conforming to criteria established pursuant to section 5 of this act;

h. "Nonoperational storage tank" means any underground storage tank in which hazardous substances are not contained, or from which hazardous substances are not dispensed;

i. "Operator" means any person in control of, or having responsibility for, the daily operation of a facility;

j. "Owner" means any person who owns a facility, or in the case of a nonoperational storage tank, the person who owned the nonoperational storage tank immediately prior to the discontinuation of its use;

k. "Person" means any individual, partnership, company, corporation, consortium, joint venture, commercial or any other legal entity, the State of New Jersey, or the United States Government;

l. "Residential building" means a single and multi-family dwelling, nursing home, trailer, condominium, boarding house, apartment house, or other structure designed primarily for use as a dwelling;

m. "Secondary containment" means an additional layer of impervious material creating a space wherein a leak of hazardous substances from an underground storage tank may be detected before it enters the environment;

n. "Substantially modify" means construction at, or restoration, refurbishment or renovation of, an existing facility which increases or decreases the in-place storage capacity of the facility or alters the physical configuration or impairs or affects the physical integrity of the facility or its monitoring systems;

o. "Test" or "testing" means the testing of underground storage tanks in accordance with standards adopted by the department;

p. "Underground storage tank" means any one or combination of tanks, including appurtenant pipes, lines, fixtures, and other related equipment, used to contain an accumulation of hazardous substances, the volume of which, including the volume of the appurtenant pipes, lines, fixtures and other related equipment, is 10% or more below the ground. "Underground storage tank" shall not include:

(1) Farm or residential tanks of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes;

(2) Tanks used to store heating oil for on-site consumption in a nonresidential building with a capacity of 2,000 gallons or less;

(3) Tanks used to store heating oil for on-site consumption in a residential building;

(4) Septic tanks installed in compliance with regulations adopted by the department pursuant to "The Realty Improvement Sewerage and Facilities Act (1954)," P.L.1954, c.199 (C.58:11-23 et seq.);

(5) Pipelines, including gathering lines, regulated under the "Natural Gas Pipeline Safety Act of 1968," Pub.L.90-481 (49 U.S.C. §1671 et seq.), the "Hazardous Liquid Pipeline Safety Act of 1979," Pub.L.96-129 (49 U.S.C. §2001 et seq.), or intrastate pipelines regulated under State law;

(6) Surface impoundments, pits, ponds, or lagoons, operated in compliance with regulations adopted by the department pursuant to the "Water Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.);

(7) Storm water or wastewater collection systems operated in compliance with regulations adopted by the department pursuant to the "Water Pollution Control Act";

(8) Liquid traps or associated gathering lines directly related to oil or gas production and gathering operations;

(9) Tanks situated in an underground area, including, but not limited to, basements, cellars, mines, drift shafts, or tunnels, if the storage tank is situated upon or above the surface of the floor, or storage tanks located below the surface of the ground which are equipped with secondary containment and are uncovered so as to allow visual inspection of the exterior of the tank; and

(10) Any pipes, lines, fixtures, or other equipment connected to any tank exempted from the provisions of this act pursuant to paragraphs (1) through (9) of this subsection.

q. "Wellhead protection area" means an aquifer area described in a plan view around a well, from within which groundwater flows to the well and through which groundwater pollution, if it occurs, may pose a significant threat to the water quality of the well. The wellhead protection area is delimited by the use of time-of-travel and hydrologic boundaries.

2. Section 5 of P.L.1986, c.102 (C.58:10A-25) is amended to read as follows:

C.58:10A-25 Rules, regulations.

5. a. The commissioner shall, within one year of the effective date of P.L.1986, c.102 (C.58:10A-21 et seq.), adopt, pursuant to the "Administrative Procedure Act," rules and regulations which:

(1) Establish a schedule for the testing of all facilities, taking into account the age of the underground storage tank, the hazardous substance stored therein, the proximity of the underground storage tank to potable water supplies, and the soil resistivity and other corrosive conditions which may precipitate a discharge, and for the periodic testing for structural integrity of facilities utiliz-

ing secondary containment which do not incorporate a monitoring system, and the reporting of results thereof to the department;

(2) Establish standards for the construction, installation, and operation of new and existing underground storage tanks, including standards for secondary containment, monitoring systems, release detection systems, corrosion protection, spill prevention, and overfill prevention, and other underground storage tank equipment. The standards adopted pursuant to this paragraph shall be substantially identical to the relevant standards adopted by the United States Environmental Protection Agency pursuant to 42 U.S.C. §6991 et seq. for the regulation of underground storage tanks. The standards adopted by the department for any underground storage tank not regulated pursuant to 42 U.S.C. §6991 et seq. shall not be more stringent than the standards adopted by the United States Environmental Protection Agency for underground storage tanks regulated pursuant to 42 U.S.C. §6991 et seq. Notwithstanding any other provision in this paragraph to the contrary, standards adopted by the department for any underground storage tank located in a wellhead protection area may be more stringent than the standards adopted by the United States Environmental Protection Agency for underground storage tanks pursuant to 42 U.S.C. §6991 et seq.;

(3) (Deleted by amendment, P.L.1994, c.14).

(4) Require the maintaining of records of any monitoring or leak detection system, inventory control system or underground storage tank testing system;

(5) Require the reporting of any discharges and the corrective action taken in response to a discharge from an underground storage tank;

(6) Require the taking of corrective action in response to a discharge from an underground storage tank by the owner or operator of the underground storage tank;

(7) Require the owner or operator of an underground storage tank to prepare plans for the closure of an underground storage tank to prevent the future discharge of hazardous substances into the environment;

(8) Require the maintaining of evidence of financial responsibility for taking corrective action and compensating third parties for bodily injury and property damage caused by a discharge; and

(9) (Deleted by amendment, P.L.1994, c.14).

(10) Require the notification of the department and local agencies of the existence of any operational or nonoperational underground storage tanks.

b. In developing the regulations required pursuant to this section the department shall consider the regulations concerning underground storage tanks adopted by the United States Environmental Protection Agency pursuant to the "Hazardous and Solid Waste Amendments of 1984," Pub.L.98-616 (42 U.S.C. §6991 et al.) and shall use the recommendations and standard procedures of the following organizations:

(1) American Petroleum Institute (API), 1220 L Street, N.W., Washington, D.C. 20005;

(2) American Society for Testing and Materials (ASTM), 1916 Race Street, Philadelphia, Pennsylvania 19103;

(3) NACE International, P.O. Box 218340, Houston, Texas 77218;

(4) National Fire Protection Association (NFPA), 1 Batterymarch Park, P.O. Box 9101, Quincy, Massachusetts 02269; and

(5) Underwriters Laboratories (UL), 333 Pfingston Road, Northbrook, Illinois 60062.

c. The Department of Community Affairs shall adopt in the State Uniform Construction Code the rules and regulations adopted by the department pursuant to this section within 60 days.

3. Section 9 of P.L.1986, c.102 (C.58:10A-29) is amended to read as follows:

C.58:10A-29 Requirement to meet standards for underground storage tanks.

9. The department shall adopt rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (52:14B-1 et seq.), requiring the owner or operator of a facility to meet the standards for the construction, installation, and operation of new and existing underground storage tanks, including standards for secondary containment, monitoring systems, release detection systems, corrosion protection, spill prevention, and overfill prevention, and other underground storage tank equipment adopted pursuant to paragraph (2) of subsection a. of section 5 of P.L.1986, c.102 (C.58:10A-25). The deadlines for compliance with the standards shall be identical to those deadlines established by the United States Environmental Protection Agency pursuant to 42 U.S.C. §6991 et seq. for all underground storage tanks, including those underground storage tanks not regulated pursuant to 42 U.S.C. §6991 et seq.

4. This act shall take effect immediately.

Approved April 11, 1994.

CHAPTER 15

AN ACT concerning eligibility for accidental death benefits in the Police and Firemen's Retirement System of New Jersey and amending P.L.1944, c.255.

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

1. Section 10 of P.L.1944, c.255 (C.43:16A-10) is amended to read as follows:

C.43:16A-10 Accidental death benefits.

10. (1) Upon the death of a member in active service as a result of an accident met in the actual performance of duty at some definite time and place, and such death was not the result of the member's willful negligence, an accidental death benefit shall be payable if a report of the accident is filed in the office of the retirement system within 60 days next following the accident, but the board of trustees may waive such time limit, for a reasonable period, if in the judgment of the board the circumstances warrant such action. No such application shall be valid or acted upon unless it is filed in the office of the retirement system within five years of the date of such death.

The provisions of this subsection shall also apply to a member who is a fireman and who dies as a result of an accident met in the actual performance of duty as a volunteer fireman in any municipality in the State, provided the member's death was not the result of the member's willful negligence.

(2) Upon the receipt of proper proofs of the death of a member on account of which an accidental death benefit is payable, there shall be paid to his widow or dependent widower a pension of 70% of the compensation, upon which contributions by the member to the annuity savings fund were based in the last year of creditable service, for the use of herself or himself and the children of the deceased member, to continue during her or his widowhood; if there is no surviving widow or dependent widower or in case the widow or dependent widower dies or remarries, 20% of such compensation will be payable to one surviving child, 35% of such compensation to two surviving children in equal shares and if there be three or more children, 50% of such compensation will be payable to such children in equal shares.

If there is no surviving widow, dependent widower or child, 25% of the compensation upon which contributions by the mem-

ber to the annuity savings fund were based in the last year of creditable service, will be payable to one surviving dependent parent or 40% of such compensation will be payable to two surviving parents in equal shares.

In the event of accidental death occurring in the first year of creditable service, the benefits, payable pursuant to this subsection, shall be computed at the annual rate of compensation.

(3) If there is no surviving widow, dependent widower, child or dependent parent, there shall be paid to any other beneficiary of the deceased member, his aggregate contributions at the time of death.

(4) In no case shall the death benefit provided in subsection (2) be less than that provided under subsection (3).

(5) In addition to the foregoing benefits payable under subsection (2) or (3), there shall also be paid in one sum to such beneficiary, if living, as the member shall have nominated by written designation duly executed and filed with the retirement system, otherwise to the executor or administrator of the member's estate, an amount equal to 3 1/2 times the compensation upon which contributions by the member to the annuity savings fund were based in the last year of creditable service.

(6) In addition to the foregoing benefits, the State shall pay to the member's employer-sponsored health insurance program all health insurance premiums for the coverage of the member's surviving widow or dependent widower and dependent children.

2. This act shall take effect immediately and shall be retroactive to April 1, 1993.

Approved April 11, 1994.

CHAPTER 16

AN ACT concerning charitable fund raising and repealing parts of the statutory law.

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

C.45:17A-18 Short title.

1. This act shall be known and may be cited as the "Charitable Registration and Investigation Act."

C.45:17A-19 Findings, declarations.

2. The Legislature finds and declares that in order to protect the public from fraud and deceptive practices, it is essential that information concerning charitable fund raising activities of charitable organizations, professional fund raisers, commercial co-venturers and solicitors be readily available to the people of this State. The Legislature declares that information concerning the financial ends and means of charitable fund raising in this State must be more readily available to the citizens by whose generosity such funds are raised. The Legislature declares that, to accomplish these ends, it is necessary to require the registration of charitable organizations, professional fund raisers, and solicitors with the Attorney General, and that the Attorney General have the powers necessary to obtain and disseminate to the public data concerning fund raising practices of these persons.

C.45:17A-20 Definitions.

3. As used in this act:

“Attorney General” means the Attorney General of the State of New Jersey or his designee.

“Charitable organization” means: (1) any person determined by the federal Internal Revenue Service to be a tax exempt organization pursuant to section 501(c)(3) of the Internal Revenue Code of 1986, 26 U.S.C. §501(c)(3); or (2) any person who is, or holds himself out to be, established for any benevolent, philanthropic, humane, social welfare, public health, or other eleemosynary purpose, or for the benefit of law enforcement personnel, firefighters or other persons who protect the public safety, or any person who in any manner employs a charitable appeal as the basis of any solicitation, or an appeal which has a tendency to suggest there is a charitable purpose to any such solicitation.

“Charitable purpose” means: (1) any purpose described in section 501 (c)(3), of the Internal Revenue Code of 1986, 26 U.S.C. §501(c)(3); or (2) any benevolent, philanthropic, humane, social welfare, public health, or other eleemosynary objective, or an objective that benefits law enforcement personnel, firefighters, or other persons who protect the public safety.

“Charitable sales promotion” means an advertising or sales campaign, conducted by a commercial co-venturer, which represents that the purchase or use of goods or services offered by the commercial co-venturer will benefit a charitable organization or purpose.

“Commercial co-venturer” means any person who, for profit or other consideration is regularly and primarily engaged in trade or commerce other than in connection with the raising of funds or any

other thing of value for a charitable organization, and who advertises that the purchase or use of his goods, services, entertainment or any other thing of value will benefit a charitable organization.

“Contribution” means the conveyance, promise or pledge of money, credit, property, financial assistance or other thing of any kind or value in response to a solicitation. It does not include any of the following: bona fide fees, dues or assessments paid by members provided that membership is not conferred solely as consideration for making a contribution in response to a solicitation; moneys received pursuant to a governmental grant or contract; or, personal services rendered by a volunteer.

“Federated fundraising organization” means a federation of independent charitable organizations which have voluntarily joined together for purposes of raising and distributing money.

“Fund raising counsel” means any person who is retained by a charitable organization for a fixed fee or rate to plan, manage, advise, consult or prepare material for or with respect to the solicitation in this State of contributions for a charitable organization, but who does not solicit contributions or employ, procure or engage any compensated person to solicit contributions. A bona fide salaried officer, employee, or volunteer of a charitable organization shall not be deemed to be a fund raising counsel. No attorney, accountant or banker who renders professional services to a charitable organization or advises a person to make a charitable contribution during the course of rendering professional services to that person shall be deemed, as a result of the professional service or advice rendered, to be a fund raising counsel.

“Independent paid fund raiser” means any person who for compensation performs for a charitable organization any service in connection with which contributions are, or will be solicited in this State by that compensated person or by any compensated person he employs, procures, or engages, directly or indirectly to solicit contributions. A bona fide salaried officer, employee, or volunteer of a charitable organization shall not be deemed to be an independent paid fund raiser. No attorney, accountant or banker who advises a person to make a charitable contribution during the course of rendering professional services to that person shall be deemed, as a result of that advice, to be an independent paid fund raiser.

“Local unit” means a charitable organization that is affiliated with a parent organization under terms specified in the parent organization’s charter, articles of organization, agreement of association, instrument of trust, constitution or other organizational instrument or by-laws.

“Membership” means a relationship which entitles a person to the privileges, professional standing, honors or other direct benefit of the organization and either the right to vote or elect officers, or hold office in the organization. Membership shall not include any relationship granted solely upon making a contribution as a result of a solicitation.

“Parent organization” means a charitable organization which charters or affiliates local units under terms specified in the charitable organization’s charter, articles of organization, agreement of association, instrument of trust, constitution or other organizational instrument or bylaws.

“Person” means an individual, corporation, association, partnership, trust, foundation or any other entity, however established within or without this State.

“Registrant” means any person who has filed a registration statement with the Attorney General required by this act.

“Registration statement” means an initial registration, renewal, financial report, or any other document or report required pursuant to section 6, 7, 8, 10 or 11 of this act to be filed with the Attorney General.

“Secretary of State” means the Secretary of State of the State of New Jersey.

“Solicitation” or “solicit” means the request, directly or indirectly, for money, credit, property, financial assistance, or other thing of any kind or value which will be used for a charitable purpose or benefit a charitable organization. Solicitation shall include, but not be limited to, the following methods of requesting or securing money, credit, property, financial assistance or other thing of value:

- (1) Any oral or written request;
- (2) The making of any announcement in the press, over the radio or television, by telephone, through the mail or any other media concerning an appeal or campaign by or for any charitable organization or purpose;
- (3) The distribution, circulation, posting or publishing of any handbill, written advertisement or other publication which directly or by implication seeks to obtain a contribution;
- (4) The offer of, attempt to sell, or sale of any advertising space, book, card, tag, coupon, device, magazine, membership, merchandise, subscription, flower, ticket, candy, cookies or other tangible item in connection with which any appeal is made for any charitable organization or purpose, or where the name of any charitable organization is used or referred to in any appeal as an inducement or reason for making any sale, or where any statement is made that the whole or any part of

the proceeds from the sale will be used for any charitable purpose or benefit any charitable organization;

(5) The use or employment of canisters, cards, receptacles or similar devices for the collection of money or other thing of value in connection with which any appeal is made for any charitable organization or purpose.

A solicitation shall take place whether or not the person making the solicitation receives any contribution, except that a charitable organization's use of its own name in any communication shall not alone be sufficient to constitute a solicitation.

"Solicitor" means any individual who attempts to solicit or solicits contributions, for compensation, and who is subject to the control of an independent paid fund raiser. The term "control" means the direct management, direction and supervision of performance of a solicitor's activities in connection with the solicitation of contributions by the independent paid fund raiser.

C.45:17A-21 Duties of Attorney General.

4. The Attorney General shall:
 - a. Administer and enforce the provisions of this act;
 - b. Propose and adopt rules pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of this act;
 - c. Conduct hearings pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) including the authority to administer oaths to witnesses, and shall have the power to issue subpoenas for the compulsory attendance of witnesses and the production of pertinent documents, books, records, accounts, computer data, papers, or records;
 - d. Prosecute proceedings before any court of competent jurisdiction for the enforcement of the provisions of this act;
 - e. Keep a record of the names and addresses of all registered charitable organizations, fund raising counsels, independent paid fund raisers, and solicitors;
 - f. Prescribe the fees for all registration statements, and other filings required by this act and set all bonding amounts as necessary in accordance with the provisions of this act. All fees shall be prescribed pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.);
 - g. Publish and disseminate information concerning charities to the public;
 - h. Examine each contract, registration statement and supporting document, if any, and determine whether they satisfy the requirements of this act;

i. Perform any other functions and duties which may be necessary to carry out the provisions of this act.

C.45:17A-22 Review of registration statement.

5. If the Attorney General determines that the registration or contract requirements established by this act are not satisfied, the Attorney General shall notify the filing party or registrant within 10 business days of receipt of the registration or contract. If notification is not sent within 10 business days: (1) a registration statement is accepted; or (2) performance may begin on a contract. Within 10 business days after receipt of a notification that the requirements have not been satisfied, the charitable organization, fund raising counsel, independent paid fund raiser, commercial co-venturer or solicitor, as appropriate, may satisfy the requirements or request a hearing pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). Acceptance of a registration or performance of a contract pursuant to this section shall not foreclose the Attorney General from denying an application or taking other appropriate action based on information that may be subsequently uncovered.

C.45:17A-23 Filing of registration statement, fees.

6. a. A charitable organization, unless exempted from registration requirements pursuant to section 9 of this act, shall file a registration statement with the Attorney General on forms prescribed by the Attorney General.

b. It shall be unlawful for any charitable organization to solicit contributions or have contributions solicited in its behalf before the Attorney General has been given the opportunity to review the registration statement pursuant to section 5 of this act. A renewal statement must be filed annually within six months after the close of the charitable organization's fiscal year. For good cause shown, the Attorney General may extend the time for the annual filing of the renewal statement and financial report for a period not to exceed 180 days, during which time the previous registration shall remain in effect. The request for an extension shall be in writing and received by the Attorney General before the filing deadline.

c. All registration statements shall be signed by two authorized officers, including the chief fiscal officer of the organization, who shall certify that information contained in the registration statements is correct.

d. The Attorney General shall prescribe all fees for the filing of all registration statements according to the provisions of this

act. The fees for the filing of registration statements by charitable organizations may be graduated based upon the amount of contributions received during the previous fiscal year. A parent organization filing on behalf of one or more local units shall pay a single annual registration fee for itself and a fee for each local unit included in the registration statement.

C.45:17A-24 Long form registration statement.

7. a. Every charitable organization, except for those provided for in section 8 of this act or exempt pursuant to section 9 of this act, shall file a long form registration statement with the Attorney General.

b. The long form shall contain the following:

(1) The name of the organization and any other name or names under which it intends to solicit contributions and the purposes for which it was organized;

(2) The name, street address and telephone number of each officer, director and trustee and each principal salaried executive staff employee and whether the person has been adjudged liable in an administrative or civil action, or convicted in a criminal action, involving theft, fraud or deceptive business practices. For the purposes of this paragraph:

(a) a plea of guilty, non vult, nolo contendere or any similar disposition of alleged criminal activity shall be deemed a conviction; and

(b) "each principal salaried executive staff employee" shall be limited to no more than the five most highly compensated employees in the organization.

(3) A copy of the most recent Internal Revenue Service Form 990 and Schedule A(990) for every registrant if the organization filed these forms;

(4) A clear description of the specific programs and charitable purpose for which contributions will be used and a statement whether such programs are planned or are in existence;

(5) Whether any of the organization's officers, directors, trustees or principal salaried executive staff employees as defined in subparagraph (b) of paragraph (2) of subsection b. of this section are related by blood, marriage or adoption to each other or to any officers, agents or employees of any fund raising counsel or independent paid fund raiser under contract to the organization, or are related by blood, marriage or adoption to any chief executive employee, any other employee of the organization with a direct financial interest in the transaction, or any partner, proprietor, director, officer, trustee, or to any shareholder of the organization with more than a two per-

cent interest of any supplier or vendor providing goods or services to the organization and the name and business and home address and telephone number of each related party;

(6) The amount of any grant or financial assistance from any agency of government in its preceding fiscal year; and

(7) Any other information as may be prescribed by rules adopted by the Attorney General. In prescribing the requirements of the long form, the Attorney General shall permit a charitable organization to incorporate by reference any information reported by the organization on its Service Form 990 and Schedule A(990).

c. With initial registration only, every charitable organization required to file a long form registration shall also file the following; provided, that any changes in the accuracy of this information shall be reported to the Attorney General pursuant to subsection e. of section 14 of this act:

(1) A copy of the organization's charter, articles of organization, agreement of association, instrument of trust, constitution or other organizational instrument and bylaws;

(2) A statement setting forth the place where and the date when the organization and its tax exempt status was legally established, the form of its organization, with copies of federal or state tax exemption determination or exemption ruling letters;

(3) The principal street address and telephone number of the organization and the address and telephone number of each office in this State. If the organization does not maintain an office in this State, the name and address of the individual having custody of its financial records in this State shall be disclosed;

(4) The name, street address and telephone number of each affiliate which shares in the contributions or other revenue raised in this State;

(5) The date when the organization's fiscal year ends;

(6) A statement whether:

(a) The organization is authorized by any other state to solicit contributions, and, if so, a listing of the states in which authorization has been obtained;

(b) The organization or any of its present officers, directors, executive personnel or trustees are or have ever been enjoined in any jurisdiction from soliciting contributions or have been found to have engaged in unlawful practices in the solicitation of contributions or the administration of charitable assets;

(c) The organization's registration has been denied, suspended or revoked by any jurisdiction, together with the reasons for that denial, suspension or revocation; and

(d) The organization has voluntarily entered into an assurance or voluntary discontinuance or agreement with any jurisdiction or federal agency or officer; and

(7) Whether the organization intends to solicit contributions from the general public.

d. (1) Every charitable organization required to file a long form registration shall file an annual financial report with the Attorney General. The annual financial report shall include: a balance sheet; a statement of support revenue, expenses and changes in fund balance; a statement of functional expenses at least divided into program, management, general, and fund raising; and such other information as the Attorney General shall by rule require.

(2) The annual financial report of every charitable organization which received more than \$100,000 in gross revenue during its most recently completed fiscal year shall be accompanied by an audited financial statement prepared in accordance with generally accepted accounting principles which has been examined by an independent certified public accountant for the purpose of expressing an opinion thereon.

The annual financial reports of all organizations receiving more than \$25,000 but less than \$100,000 shall be certified by the organization's president or other authorized officer of the organization's governing board and at the request of the Attorney General, the organization shall submit an audited financial statement prepared in accordance with generally accepted accounting principles which has been examined by an independent certified public accountant.

(3) The Attorney General may accept a copy of a current financial report previously prepared by a charitable organization for another state agency or officer in compliance with the laws of that state, provided that the report filed with the other state agency or officer shall be substantially similar in content to the report required by this subsection.

(4) An independent member agency of a federated fund raising organization shall independently comply with the provisions of this subsection.

e. In order to register its qualified local units pursuant to subsection c. of section 9 of this act, a parent organization registered pursuant to this section shall include with its initial registration and annual renewal statement a separate statement that provides the following:

(1) The name, principal street address, and phone number of all local units within this State that it is registering;

(2) The amount of gross contributions received by each such unit and the purpose or purposes for which these funds were raised in the preceding fiscal year; and

(3) A statement asserting that each such local unit has provided the parent organization with a written statement reporting the information included on its behalf and asserting that the local unit meets all of the requirements of subsection c. of section 9 of this act.

C.45:17A-25 Short form registration.

8. a. The following charitable organizations shall be required to file a short form registration on forms prescribed by the Attorney General:

(1) Charitable organizations or organizations engaging in a charitable fund raising campaign which do not receive gross contributions in excess of \$25,000 during a fiscal year, if all of their functions including fund raising activities are carried on by volunteers, members, officers or persons who are not compensated for soliciting contributions; except that, if the gross contributions, whether or not all is received by any charitable organization during any fiscal year, are in excess of \$25,000 it shall, within 30 days after the date on which it shall have received the contributions, register with and report to the Attorney General as required by section 7 of this act;

(2) Fraternal, patriotic, social or alumni organizations, historical societies, and similar organizations organized under the provisions of Title 15 of the Revised Statutes or Title 15A of the New Jersey Statutes, when solicitation of contributions is confined to their membership and solicitation is performed by members of that organization;

(3) Persons requesting any contributions for the relief of any individual, specified by name at the time of the solicitation, if all of the contributions collected, without any deductions whatsoever, are turned over to the named beneficiary;

(4) Any local post, camp, chapter or similarly designated element, or a county unit of that element, of a bona fide veterans' organization which issues charters to the local elements throughout this State, or to any veterans' organization chartered under federal law or to any service foundation of such an organization recognized in its bylaws.

b. The short form shall contain the following:

(1) Name and address of the organization;

(2) Whether the organization has engaged an independent paid fund raiser, fund raising counsel or commercial co-venturer;

(3) The purpose for which the charitable organization is organized;

(4) The purposes for which the funds are raised;

- (5) The tax status of the charitable organization;
- (6) The reason the organization is eligible to file a short form registration;
- (7) A copy of the organization's most recent Internal Revenue Service Form 990 and Schedule (A)990 if the organization filed these forms;
- (8) Any other information as may be prescribed by rules adopted by the Attorney General.

c. In order to register its qualified local units pursuant to subsection c. of section 9 of this act, a parent organization registered pursuant to this section shall include with its initial registration, a copy of the parent organization's charter, articles or organization, agreement of association, instrument of trust, constitution or other organizational instrument and bylaws, and shall include with its initial registration and annual renewal statement a separate statement that provides the following:

- (1) The name, principal street address, and phone number of all local units within this State that it is registering;
- (2) The amount of gross contributions received by each such unit and the purpose or purposes for which these funds were raised in the preceding fiscal year;
- (3) A statement asserting that each such local unit has provided the parent organization with a written statement reporting the information included on its behalf and asserting that the local unit meets all of the requirements of subsection c. of section 9 of this act.

d. Nothing in subsection c. of this section shall be construed to require a parent organization to register any or all of its local units.

C.45:17A-26 Exemptions from registration requirements.

9. a. The registration requirements of this act shall not apply to any religious corporation, trust, foundation, association or organization incorporated under the provisions of Title 15 or 16 of the Revised Statutes or Title 15A of the New Jersey Statutes or established for religious purposes. Any agency or organization incorporated or established for charitable purposes and engaged in effectuating one or more charitable purposes, which is affiliated with, operated by, or supervised or controlled by a corporation, trust, foundation, association, or organization incorporated or established for religious purposes, or any other religious agency or organization shall also be exempt.

b. The registration requirements of this act shall not apply to any educational institution, the curriculums of which in whole or in part are registered or approved by the State Department of Education or the State Department of Higher Education, either directly or by

acceptance of accreditation by an accredited body recognized by these departments; an educational institution confining its solicitation of contributions to its student body, alumni, faculty and trustees, and their families; or a library registered by the State Department of Education, provided that the annual financial report of that institution or library shall be filed with the State Department of Education where it shall be open for public inspection.

c. A charitable organization that meets all of the following requirements shall be considered registered as required by this act:

(1) The charitable organization is a local unit of a parent organization which is registered pursuant to this act;

(2) The parent organization has provided all information concerning the local unit required by subsection e. of section 7 or subsection c. of section 8 of this act;

(3) All solicitations made by the local unit are made by members of the local unit or volunteers;

(4) The local unit does not employ a fund raising counsel or independent paid fund raiser or utilize paid staff in preparation of materials or records concerning or related to the solicitations; and

(5) (a) The local unit does not receive gross contributions in excess of \$25,000 during the fiscal year; or

(b) The local unit is an organization that limits membership to persons who are or formerly were employed as officers statutorily authorized to enforce the criminal laws of this State.

d. Nothing in subsection c. of this section shall be construed to require a parent organization to register any or all of its local units.

C.45:17A-27 Registration of fund raising counsel, independent paid fund raiser.

10. a. It shall be unlawful for any person to act as a fund raising counsel or independent paid fund raiser unless registered annually with the Attorney General. Registration statements shall be on forms prescribed by the Attorney General. A registration statement shall be signed and sworn to by the principal officer of the fund raising counsel or independent paid fund raiser and shall contain information as prescribed by rules adopted by the Attorney General.

b. The registration statements shall be accompanied by a fee prescribed pursuant to the provisions of this act, except that a fund raising counsel or independent paid fund raiser which is a partnership or corporation which registers shall pay a single fee. Each registration shall expire on June 30.

c. The Attorney General shall examine the initial registration statement and supporting documents filed by a fund raising coun-

sel or independent paid fund raiser pursuant to section 5 of this act.

d. The relationship between a charitable organization and a fund raising counsel or independent paid fund raiser shall be set forth in a written contract. The fund raising counsel or independent paid fund raiser shall file a copy of the contract with the Attorney General at least 10 days prior to the performance by the fund raising counsel or independent paid fund raiser of any service within this State. It shall be unlawful for any solicitation pursuant to the contract to begin before the Attorney General has reviewed the contract pursuant to section 5 of this act. The contract shall be signed by two authorized officials of the charitable organization, one of whom must be a member of the organization's governing body, and the authorized contracting officer for the fund raising counsel or independent paid fund raiser.

e. The contract for a fund raising counsel or independent paid fund raiser either of whom at any time has or intends to have custody, control, or access to a charitable organization's money, shall contain the following:

(1) A statement of the respective obligations of the professional fund raiser and the charitable organization;

(2) A clear statement of the fees or rate which will be paid to the fund raising counsel or independent paid fund raiser;

(3) The projected commencement and termination dates of the solicitation campaign;

(4) A statement as to whether the fund raising counsel or independent paid fund raiser will have custody, control or access to contributions;

(5) A statement as to the guaranteed minimum percentage of the gross receipts from contributions which will be remitted to the charitable organization, if any, or if the solicitation involves the sale of goods, services or tickets to a fund raising event, the percentage of the purchase price which will be remitted to the charitable organization, if any. Any stated percentage shall exclude any amount which the charitable organization is to pay as fund raising costs;

(6) A statement of the percentage of the gross revenue from which the fund raising counsel or independent paid fund raiser will be compensated. If the compensation of the fund raising counsel or independent paid fund raiser is not contingent upon the number of contributions or the amount of revenue received, its compensation shall be expressed as a reasonable estimate of the percentage of the gross revenue, and the contract shall clearly disclose the assumptions

upon which the estimate is based. The stated assumptions shall be based upon all of the relevant facts known to the fund raising counsel or independent paid fund raiser regarding the solicitation to be conducted by the independent paid fund raiser;

(7) The bank and branch where all moneys will be deposited and each account number; and

(8) Any other information as may be prescribed by the Attorney General.

f. A fund raising counsel or independent paid fund raiser, either of whom at any time has or intends to have custody, control, or access to a charitable organization's money, shall, if requested by the Attorney General, make available the following information:

(1) Each location and telephone number from which the solicitation is conducted;

(2) The name, home address and telephone number of each person responsible for directing and supervising the conduct of the campaign and whether the person has been adjudged liable in an administrative or civil action or convicted in a criminal action, involving theft, fraud or deceptive business practices. For the purpose of this paragraph, a plea of guilty, non vult, nolo contendere or any similar disposition of alleged criminal activity shall be deemed a conviction; and

(3) A statement of the charitable purpose for which the solicitation campaign is being conducted.

g. If either a fund raising counsel or independent paid fund raiser at any time has or intends to have custody, control, or access to a charitable organization's money, that fund raising counsel or independent paid fund raiser shall:

(1) At the time of making application for registration, file with the Attorney General a bond in which it shall be the principal obligor, which shall for the initial application be in the sum of \$20,000 and thereafter shall be an amount prescribed by a rule adopted by the Attorney General pursuant to subsection f. of section 4 of this act. The bond shall provide for one or more sureties whose liability in the aggregate shall at least equal that sum. The fund raising counsel or independent paid fund raiser shall maintain the bond in effect during the entire period of registration. The bond shall be payable to the Attorney General for the benefit of any person who may have a cause of action against the principal obligor of the bond for any violation of this act;

(2) Deposit each contribution collected by the fund raising counsel or independent paid fund raiser, in its entirety and within

five days of its receipt, in an account at a bank or other federally insured financial institution. The account shall be in the name of the charitable organization with whom the fund raising counsel or independent paid fund raiser has contracted and the charitable organization shall have sole benefit and control of the account and all withdrawals;

(3) Within 40 days after a solicitation campaign has been completed, or in the case of a campaign lasting more than 12 months, within 40 days of the end of the charitable organization's fiscal year, file with the Attorney General a financial report for the campaign on such forms as the Attorney General may prescribe. Those forms shall include, but not be limited to, gross revenues, an itemization of all expenses incurred and the bank and branch where all moneys are deposited. This report shall be signed and sworn to by two authorized officials, one from the charitable organization and one from the fund raising counsel or independent paid fund raiser.

C.45:17A-28 Registration of solicitors.

11. It shall be unlawful for any person to act as a solicitor of an independent paid fund raiser required to register pursuant to this act unless the solicitor registers annually. Registration statements shall be on forms prescribed by the Attorney General and accompanied by a prescribed fee. The Attorney General shall review the statement pursuant to section 5 of this act and prescribe the fees pursuant to subsection f. of section 4 of this act.

C.45:17A-29 Written contract from commercial co-venturer.

12. a. Every charitable organization which permits a charitable sales promotion to be conducted on its behalf shall obtain a written contract from the commercial co-venturer and shall file a copy of the agreement with the Attorney General at least 10 days prior to the initiation of that charitable sales promotion.

b. A charitable organization shall file in writing on forms prescribed by the Attorney General the following information at the conclusion of the charitable sales promotion:

(1) As reported to the charitable organization, the gross amount of income received by the commercial co-venturer attributable to the charitable sales promotion, solicitation or venture undertaken;

(2) The amount of money or other contribution remitted to the organization covering each event or portion of an extended charitable sales promotion; and

(3) Any other information as may be required by rules adopted by the Attorney General.

c. All filings pursuant to this section shall be accompanied by a fee prescribed pursuant to the provisions of this act.

d. The commercial co-venturer shall disclose in each advertisement for the charitable sales promotion the dollar amount or percent per unit of goods or services purchased or used that will benefit the charitable organization or purpose. If the actual dollar amount or percent cannot reasonably be determined prior to the final date of the charitable sales promotion, the commercial co-venturer shall disclose an estimated dollar amount or percent. Any such estimate shall be reasonable and shall be based upon all of the relevant facts known to the commercial co-venturer and the charitable organization regarding the charitable sales promotion.

C.45:17A-30 Disclosure of information prior to solicitation.

13. a. Prior to soliciting a contribution, either orally or by written request, except for any in-person solicitation, any independent paid fund raiser, commercial co-venturer, solicitor, or charitable organization shall clearly and conspicuously disclose any information as prescribed by the rules adopted by the Attorney General.

b. In the case of any solicitation campaign conducted orally, whether by telephone or otherwise, except for any in-person solicitation, a written confirmation or receipt or written reminder shall, upon request of the contributor, be sent and shall include a clear and conspicuous disclosure of any information as prescribed by the rules adopted by the Attorney General.

c. Except as otherwise provided in section 14 of this act, registration statements, reports, notices, contracts or agreements between charitable organizations and fund raising counsels or independent paid fund raisers and commercial co-venturers and all other documents and information required to be filed under this act with the Attorney General are public records and shall be open to the general public at such time and under such conditions as the Attorney General may prescribe.

d. In addition to all other requirements imposed by this act, a charitable organization that limits its membership to persons who are or formerly were employed as officers statutorily authorized to enforce the criminal laws of this State or that is a parent organization that includes local units that so limit membership shall:

(1) At least 10 days prior to initiating any solicitation campaign involving multiple solicitations, give written notice describing the nature, purpose and the proposed dates and location of the solicitations to the Attorney General and the county prosecutor of any

county in which the solicitations will be made, unless the organization limits its membership to persons who are or were employed by the State, or is a parent organization with local units in more than one county, in which case notice shall be given to the Attorney General who shall notify the appropriate county prosecutors;

(2) Upon request, make any records required by this act available for inspection or provide an audited financial statement of financial records concerning the organization's fund raising activities to the Attorney General.

C.45:17A-31 Complete, accurate records required.

14. a. Every charitable organization, unless exempted pursuant to subsection a. or b. of section 9 of this act, and every fund raising counsel, independent paid fund raiser and commercial co-venturer subject to the provisions of this act shall keep complete and accurate records of its activities in this State as may be required by this act, in such form as will enable them to accurately provide the information required by this act or regulations promulgated under the authority of this act. The records shall be made available upon demand by the Attorney General. Where such records include the names, addresses and telephone numbers of contributors and amounts contributed by them and home addresses and home telephone numbers of any of the organization's officers, directors, trustees, employees or vendors required to provide such information pursuant to paragraph (5) of subsection b. of section 7 of this act, this information shall not be considered a matter of public record and shall not be made available for public inspection, shall not be used for a purpose inconsistent with this act, and shall be removed from the record in the custody of the Attorney General at such time that such information is no longer necessary for the enforcement of this act. The records shall be maintained for a period of at least three years after the end of the period of time to which they relate.

b. In addition to subsection a. of this section, every fund raising counsel or independent paid fund raiser subject to subsection g. of section 10 of this act shall maintain during each solicitation campaign and for not less than three years after its completion, the following records:

(1) A record of all contributions, including the name and address of each contributor and the date and amount of the contribution, except that record keeping with regard to donations of goods and personal property shall be limited to the dollar value received by or accruing to the charitable organization and shall be determined by regulation;

(2) The name, location and account number of each bank or other financial institution in which the fund raising counsel or

independent paid fund raiser has deposited revenue from the solicitation campaign; and

(3) Any other information as may be prescribed by rules adopted by the Attorney General.

c. In addition to subsections a. and b. of this section, a fund raising counsel or independent paid fund raiser subject to subsection g. of section 10 of this act shall also maintain during each solicitation campaign, and for not less than three years after the completion of such campaign, the following records, which shall be available for inspection upon demand by the Attorney General:

(1) The name, home address and telephone number of each employee, solicitor or other person involved in the solicitation;

(2) Records of all revenue received and expenses incurred in the course of the solicitation campaign; and

(3) Records of the name, address and telephone number of each contributor donating tickets and the number of tickets donated, and of the name, address and telephone number of each organization receiving donated tickets for use by others, including the number of tickets for use by others, if an independent paid fund raiser sells tickets to an event and represents that tickets will be donated for use by another.

d. A fund raising counsel or independent paid fund raiser who performs services for a charitable organization exempt pursuant to section 9 of this act shall nonetheless be subject to the requirements of this section.

e. Any material change in any information filed with the Attorney General pursuant to this act shall be reported in writing to the Attorney General within 10 business days of the change.

C.45:17A-32 Statements required to be truthful; coercion prohibited; unlawful acts, practices.

15. a. Any statement, whether oral or written, made by a charitable organization, or on behalf of a charitable organization by persons including, but not limited to commercial co-venturers, fund raising counsels, independent paid fund raisers or solicitors shall be truthful.

b. A charitable organization shall establish and exercise control over fund raising activities conducted for its benefit, including approval of all written contracts and agreements, and shall assure that fund raising activities are conducted without coercion.

c. The following acts and practices are declared unlawful as applied to the planning, conduct, or execution of any solicitation or charitable sales promotion:

(1) To misrepresent the purpose or nature of the charitable institution or the purpose or beneficiary of a solicitation; to solicit contributions for a purpose other than the charitable purpose expressed in the statement of the charitable organization or expend contributions in a manner inconsistent with that purpose, or to fail to disclose any material fact. A misrepresentation may be accomplished by words or conduct;

(2) To violate or fail to comply with any of the applicable provisions of this act or the rules adopted under authority of this act;

(3) To violate or fail to comply with any of the applicable provisions of the consumer fraud law, P.L.1960, c.39 (C.56:8-1 et seq.) or the regulations adopted pursuant to that act;

(4) To utilize a name, symbol or statement so closely related or similar to that used by another charitable organization and registered by that organization with the United States Patent and Trademark Office or registered pursuant to R.S.56:2-1 et seq. that its use would tend to confuse or mislead a solicited person or to solicit contributions in a manner or through representations that falsely imply or are likely to create the mistaken belief that the contributions are solicited by or on behalf of another charitable organization;

(5) To utilize or exploit registration so as to lead any person to believe that registration constitutes or implies an endorsement or approval by the State;

(6) To distribute honorary membership or courtesy cards or cards of a similar nature identifying the organization in connection with or in any manner related to the solicitation of funds or contributions for or on behalf of the organization in the case of any charitable organization that limits its membership to persons who are or formerly were employed as officers statutorily authorized to enforce the criminal laws of this State or that is a parent organization that includes local units that so limit membership;

(7) To engage in other unlawful acts and practices as may be determined by rules adopted by the Attorney General.

d. It shall be unlawful for any charitable organization to enter into any contract with any person who is required to have registered and failed to do so.

e. It shall be unlawful for any person to represent that tickets to events will be donated by another, unless the following requirements have been met:

(1) The fund raising counsel or independent paid fund raiser shall obtain commitments, in writing and notarized, from charitable organizations stating that they will accept donated tickets and

specifying the number of tickets they are willing to accept and for which they are able to provide transportation; copies of such written commitments shall be filed with the Attorney General;

(2) The independent paid fund raiser has taken measures to prevent solicitation of contributions for donated tickets in excess of the number of ticket commitments received from charitable organizations; and

(3) The number of tickets sold will not be greater than the number of seats available at the facility for each event or performance.

C.45:17A-33 Attorney General, designee constituted agency head; violations, penalties.

16. a. For purposes of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the Attorney General or his designee shall constitute the agency head and have the final decision making power.

b. After notice and an opportunity for a hearing, the Attorney General may revoke, or suspend any registration upon a finding that the registrant:

(1) Has filed a registration statement containing false or misleading facts or omitting material facts;

(2) Has violated or failed to comply with any of the provisions of this act or the rules adopted under authority of this act;

(3) Has engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense;

(4) Has been convicted of any criminal offense committed in connection with the performance of activities regulated under this act or any criminal offense involving untruthfulness or dishonesty or any criminal offense relating adversely to the registrant's fitness to perform activities regulated by this act. For the purposes of this paragraph, a plea of guilty, non vult, nolo contendere or any other similar disposition of alleged criminal activity shall be deemed a conviction;

(5) Has had the authority to engage in charitable activities denied, revoked or suspended by New Jersey or any other state or jurisdiction;

(6) Has engaged in other forms of misconduct as may be determined by rules adopted by the Attorney General.

c. Whenever it shall appear to the Attorney General that a person has engaged in, is engaging in, or is about to engage in, any act or practice declared unlawful by this act, or when the Attorney General determines it to be in the public interest to inquire whether a violation may exist, the Attorney General may:

(1) Require any person to file, on a form to be prescribed by the Attorney General, a statement or report in writing under oath,

or otherwise, concerning any relevant and material information in connection with an act or practice subject to this act;

(2) Examine under oath any person in connection with any act or practice subject to this act;

(3) Inspect any location from which the activity regulated by this act is conducted;

(4) Examine any goods, ware or items used in the rendering of any of the services contained in this act;

(5) Require an audited financial statement of the financial records of the organization or person registered, exempted or required to be registered under this act, prepared in accordance with generally accepted accounting principles which has been examined by an independent certified public accountant for the purpose of expressing an opinion thereof;

(6) Examine any book, document, account, computer data, literature, publication or paper maintained by or for any organization or person registered, exempted or required to be registered under this act, in the course of engaging in the activities regulated by this act;

(7) Apply to Superior Court for an order to impound any record, book, document, account, computer data, literature, publication, paper, goods, ware, or item used or maintained by any organization or person registered, exempted or required to be registered under this act in the regular course of engaging in the activities regulated by this act or rules adopted under this act;

(8) In order to accomplish the objectives of this act, or the rules adopted under this act, hold investigative hearings as necessary and issue subpoenas to compel the attendance of any person or the production of books, records, computer data, literature, publication or papers at any investigative hearing or inquiry.

d. Any person who engages in any conduct or an act in violation of any provision of this act and who has not previously violated this act shall, in addition to any other relief authorized by this or any other law, be liable for a civil penalty of not more than \$7,500 for the first violation of this act.

For a second violation of this act, or if a person is found liable for more than one violation of this act within a single proceeding, the liability for the second violation shall not exceed a civil penalty in the amount of \$15,000.

For a third violation of this act, or if a person is found liable for more than two violations of this act within a single proceeding, the liability for a third or any succeeding violation shall not exceed a civil penalty in the amount of \$15,000 for each additional violation.

In lieu of an administrative proceeding or an action in the Superior Court, the Attorney General may bring an action for the collection or enforcement of civil penalties for the violation of any provision of this act. The action may be brought in a summary manner, pursuant to "the penalty enforcement law," N.J.S.2A:58-1 et seq. and the Rules Governing the Courts of the State of New Jersey governing actions for the collection of civil penalties, in the Municipal or Special Civil Part of the Law Division of the Superior Court in the municipality or county where the offense occurred. Process in the action may be by summons or warrant. If the defendant in the action fails to answer the action, the court shall, upon finding that an unlawful act or practice has been committed by the defendant, issue a warrant for the defendant's arrest in order to bring the person before the court to satisfy the civil penalties imposed.

In an action commenced pursuant to this section, the court may order restored to any person in interest any moneys or property acquired by means of an unlawful act or practice. An action alleging the unregistered practice of the activities regulated by this act may be brought pursuant to this section or, where injunctive relief is sought, by an action commenced in the Superior Court. In an action brought pursuant to this act, the Attorney General or the court may order the payment of attorney's fees and costs for the use of the State.

e. Whenever it shall appear to the Attorney General that a violation of this act has occurred, is occurring, or will occur, the Attorney General, in addition to any other proceeding authorized by law, may seek and obtain in a summary proceeding in the Superior Court an injunction prohibiting the act or practice. In the proceeding the court may assess a civil penalty in accordance with the provisions of this act, order restoration to any person in interest of any moneys or property, real or personal, acquired by means of an unlawful act or practice and may enter any orders necessary to prevent the performance of an unlawful practice in the future and to remedy fully any past unlawful activity.

f. Upon the failure of any person to comply within 10 days after service of any order of the Attorney General directing payment of penalties, attorney's fees, costs or restoration of moneys or property as authorized by this act, the Attorney General may issue a certificate to the Clerk of the Superior Court that the person is indebted to the State for the payment. A copy of the certificate shall be served upon the person against whom the order was entered. The clerk shall immediately enter upon the

record of docketed judgments the name of the person so indebted and of the State, a designation of the statute under which each payment was directed, the amount of each payment, a listing of property ordered restored, and the date of the certification. The entry shall have the same force and effect as the entry of a docketed judgment in the Superior Court and the Attorney General shall have all rights and remedies of a judgment creditor, in addition to exercising any other available remedies.

g. If a person fails or refuses to file any statement or report, or fails or refuses to grant access to premises from which activities regulated by this act are conducted in any lawfully conducted investigative matter, or fails to obey a subpoena issued pursuant to this act, the Attorney General may apply to the Superior Court and obtain an order:

- (1) Adjudging that person in contempt of court and assessing civil penalties in accordance with the amounts prescribed by this act;
- (2) Enjoining the conduct of any practice in violation of this act; or
- (3) Granting other relief as required.

h. If a person who refuses to testify or produce any computer data, book, paper, or document in any proceeding under this act for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him, or convict him of a crime, is directed to testify or to produce the computer data, book, paper, or document by the Attorney General, he shall comply with the direction.

A person who is entitled by law to and does assert a privilege, and who complies with the direction of the Attorney General, shall not thereafter be prosecuted or subject to any penalty or forfeiture in any criminal proceeding which arises out of and relates to the subject matter of the proceeding. No person so testifying shall be exempt from prosecution or punishment for perjury or false swearing committed by him in giving the testimony or from any civil or administrative action arising from the testimony.

i. In addition or as an alternative to revocation or suspension of a registration, the Attorney General may, after affording an opportunity to be heard and finding a violation of this act:

- (1) Assess civil penalties in accordance with this act;
- (2) Direct that any person cease and desist from any act or practice in violation of this act or take necessary affirmative corrective action with regard to any unlawful act or practice; or
- (3) Order any person to restore to any person aggrieved by an unlawful act or practice any money or property, real or personal, acquired by means of any unlawful act or practice, except that the Attorney General shall not order restoration in a dollar amount

greater than those moneys received by the registrant or his agent or any other person violating this act.

j. Whenever a person engages in any act or practice in violation of this act the Attorney General may, after notice and opportunity to be heard and upon a finding that the act or practice has occurred, enter an order:

(1) Directing the person to cease and desist from that unlawful act or practice;

(2) Assessing civil penalties in accordance with this act;

(3) Directing that person restore to any person aggrieved by the unlawful act or practice any money or property, real or personal, acquired by means of the unlawful act or practice, except that the Attorney General shall not order restoration in a dollar amount greater than those moneys received by the registrant, agent or any other person violating this act; or

(4) Directing payment of attorney's fees and costs for the use of the State.

k. When it shall appear to the Attorney General that a person against whom an order pursuant to this section has been entered has violated the order, the Attorney General may initiate a summary proceeding in the Superior Court for enforcement of the order. Any person found to have violated such an order shall be ordered to comply with the prior administrative order and may be ordered to pay civil penalties in the amount of not more than \$25,000 for each violation of the order. If a person fails to pay a civil penalty assessed by the court for violation of an order, the court assessing the unpaid penalty is authorized, upon application of the Attorney General, to grant any relief which may be obtained under any statute or court rule governing the collection and enforcement of penalties.

l. In any administrative proceeding on a complaint alleging a violation of this act, the Attorney General may issue subpoenas to compel the attendance of witnesses or the production of computer data, books, records, or documents at the hearing on the complaint as provided by this act.

m. In addition to any other action or remedy available under this act, a charitable organization aggrieved by a violation of paragraph (4) of subsection c. of section 15 of this act may initiate a civil action or assert a counterclaim in any court of competent jurisdiction against the violator. Upon establishing the violation, the charitable organization shall recover treble its damages or treble the violator's profits, whichever is greater. In all actions under this subsection the court shall award reasonable attorney's fees, filing fees and reasonable costs of suit.

n. Notwithstanding any other provision of this section to the contrary, a parent organization may be held accountable for actions related to information filed on behalf of a local unit only if the parent organization has filed information knowing that the information is false or misleading or knowing that material facts are omitted.

o. Notwithstanding any other provision of this section to the contrary, any local unit that has provided to its parent organization timely, truthful and complete information and otherwise conducted itself in compliance with the provisions of this act, shall not be held accountable for the misconduct of a parent organization, including, but not limited to, the failure of the parent organization to file timely reports on behalf of the local unit.

C.45:17A-34 Powers of Attorney General unaffected.

17. Nothing in this act shall be construed to limit, impair or modify any of the common law powers previously afforded to the Attorney General under the common law.

C.45:17A-35 Ability of municipality to enact rules, ordinances unaffected.

18. Nothing in this act shall be construed to limit, impair or modify the ability of any municipality to enact rules or ordinances to regulate the solicitation of contributions within its jurisdiction, provided that those rules or ordinances are in addition to and not duplicative of or in conflict with the provisions of this act. To the extent that a municipal ordinance is violative of this act it is invalid.

C.45:17A-36 Registrations previously issued not affected.

19. Nothing in this act shall affect the validity of any registration previously issued by the Attorney General, but all persons currently registered shall in all other respects be subject to the provisions of this act.

C.45:17A-37 Establishment of telephone information line.

20. a. The Attorney General shall establish a telephone information line which shall be readily accessible to the public which shall offer information concerning the charitable organizations, fund raising counsels, independent paid fund raisers and solicitors registered in accordance with the requirements of this act.

b. The information available to the public through the telephone information line shall include:

(1) The public information, as required by this act, provided by registration statements, reports, notices, contracts or agreements, including those between charitable organizations and fund raising counsels, independent paid fund raisers, and commercial co-venturers;

(2) The information provided by a solicitor in an application for registration and reregistration in accordance with section 11 of this act;

(3) any other information which the Attorney General deems appropriate.

C.45:17A-38 Required statement regarding information on file.

21. Any printed solicitation, written confirmation, receipt or written reminder of a contribution issued by a charitable organization, independent paid fund raiser or solicitor concerning a solicitation or contribution on behalf of a charitable organization that is registered pursuant to this act shall contain the following statement which shall be conspicuously printed:

“INFORMATION FILED WITH THE ATTORNEY GENERAL CONCERNING THIS CHARITABLE SOLICITATION MAY BE OBTAINED FROM THE ATTORNEY GENERAL OF THE STATE OF NEW JERSEY BY CALLING 000-000-0000. REGISTRATION WITH THE ATTORNEY GENERAL DOES NOT IMPLY ENDORSEMENT.”

C.45:17A-39 Applicability of act.

22. The provisions of this act shall apply to any person engaging in any of the activities regulated by this act, including persons whose principal place of business is located outside this State.

C.45:17A-40 Fees; recovery of costs.

23. Fees shall be established, prescribed or charged by the Attorney General pursuant to his regulatory authority to the extent necessary to defray all proper expenses incurred by the Attorney General and any staff employed to administer this act, provided that fees shall not be fixed at a level that will raise amounts in excess of the amount estimated to be so required and provided, further, that any fees set by the Attorney General shall not exceed the following amounts:

a. A charitable organization which is required pursuant to section 8 of this act to file a short form registration statement and received gross contributions of not more than \$10,000 during the most recently filed fiscal year shall not be required to pay an annual registration fee.

b. A charitable organization which is required pursuant to section 8 of this act to file a short form registration statement and received gross contributions in excess of \$10,000 during the most recently filed fiscal year of the organization shall pay an annual registration fee of not more than \$30 a year.

c. A charitable organization which is required pursuant to section 7 of this act to file a long form registration statement and received gross contributions of not more than \$100,000 during the most recently filed fiscal year of the organization shall pay an annual registration fee of not more than \$60 a year.

d. A charitable organization which is required pursuant to section 7 of this act to file a long form registration statement and received gross contributions of more than \$100,000 but not more than \$500,000 during the most recently filed fiscal year of the organization shall pay an annual registration fee of not more than \$150 a year.

e. A charitable organization which is required pursuant to section 7 of this act to file a long form registration statement and received gross contributions of more than \$500,000 during the most recently filed fiscal year of the organization shall pay an annual registration fee of not more than \$250 a year.

f. Contract filing fees established pursuant to this act shall be set at not more than \$30 for each such fee.

g. A parent organization that registers local units in accordance with the provisions of subsection e. of section 7 or subsection c. of section 8 of this act shall pay an additional fee not to exceed \$10 for each local unit.

All fees payable to the Attorney General and any civil penalties imposed by the Attorney General in accordance with the provisions of this act shall be paid to the Attorney General and shall be forwarded to the State Treasurer and become part of the General Fund. These fees and penalties shall be available to the Attorney General on a nonlapsing basis to effectuate the purposes of this act.

Repealer.

24. P.L.1971, c.469 (C.45:17A-1 et seq.), N.J.S.2A:170-20, P.L.1956, c.230 (C.2A:170-20.9 and 2A:170-20.10), P.L.1975, c.183 (C.2A:170-20.11 and 2A:170-20.12) and sections 3 through 8 of P.L.1954, c.181 (C.2A:170-20.2 through 2A:170-20.7) are repealed.

25. This act shall take effect 120 days following enactment, except for subsection b. of section 4 of this act, which shall take effect immediately, and subsection b. of section 13 and sections 20 and 21 which shall take effect on the 365th day following enactment.

Approved April 11, 1994.

CHAPTER 17

AN ACT authorizing the sale of certain surplus real property owned by the State.

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

1. The Department of Human Services is authorized to sell and convey all of the State's interest in 3.0+ acres of surplus real property located in the Township of East Amwell, Hunterdon County. The property is located at 191 Mountain Road and designated as Block 40, Lot 55.01 on the Township of East Amwell tax map. The sale shall be upon terms and conditions approved by the State House Commission.

2. The proceeds from the sale of property under section 1 of this act shall be deposited in the General Fund of the State.

3. This act shall take effect immediately.

Approved April 11, 1994.

CHAPTER 18

AN ACT concerning plenary retail consumption licenses granted to certain nonprofit corporations and amending P.L.1985, c.151.

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

1. Section 1 of P.L.1985, c.151 (C.33:1-19.7) is amended to read as follows:

C.33:1-19.7 Plenary retail consumption license, nonprofit theater.

1. It shall be lawful for the governing board or body of any municipality, upon the approval of the Director of the Division of Alcoholic Beverage Control, to issue a plenary retail consumption license to a nonprofit corporation, which conducts musical or theatrical performances or concerts on premises with a seating capacity of 1,000 persons or more, authorizing the sale of alcoholic beverages by the nonprofit corporation or its restaurant operator who has been approved pursuant to procedures estab-

lished by the Division of Alcoholic Beverage Control for consumption on the licensed premises only during performances and the two hours immediately preceding and the two hours immediately following performances.

For the purposes of this section, "licensed premises" shall include the premises where the musical or theatrical performance or concert is held and any adjacent premises owned and operated by the licensee.

A license issued under the provisions of this act shall not be counted in determining the number of licenses under P.L.1947, c.94 (C.33:1-12.13 et seq.) or under P.L.1968, c.277 (C.40:48-2.40 et seq.).

2. This act shall take effect immediately.

Approved April 11, 1994.

CHAPTER 19

AN ACT concerning the investment of certain public funds and repealing P.L.1985, c.308.

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

Repealer.

1. P.L.1985, c.308 (C.52:18A-89.1 through 52:18A-89.3) is repealed.

2. This act shall take effect immediately.

Approved April 12, 1994.

CHAPTER 20

AN ACT concerning certain investments in the African Development Bank and amending N.J.S.17B:20-1 and P.L.1947, c.308.

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

1. N.J.S.17B:20-1 is amended to read as follows:

Investments of domestic insurers.

17B:20-1. Any domestic insurer may invest its capital, surplus and other funds, or any part thereof, in:

a. Bonds, notes, or other evidences of indebtedness or public stock issued, created, insured or guaranteed by the United States, any territory or possession thereof, this or any other state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Canada, or any of the provinces thereof, or any instrumentality, agency or political subdivision of one or more of the foregoing.

b. Real estate which may be improved or which is unimproved but acquired in accordance with a definite plan for development within not more than five years, and in the improvement, development, operation or leasing thereof; provided, that if the commissioner shall determine that the interest of such insurer's policyholders requires that any specific real estate so acquired be disposed of, then such insurer shall dispose of such real estate within such reasonable time as the commissioner shall direct; and provided further, that the sum of (1) the aggregate amount invested in such real estate (including real estate held pursuant to N.J.S.17B:18-45 of this title) and (2) the aggregate amount invested in capital stock of any subsidiary of the insurer pursuant to N.J.S.17B:20-4, engaged in a business primarily involving the owning, improving, developing, operating or leasing of real estate, shall not exceed 10% of the total admitted assets of such insurer as of December 31 next preceding. Real estate used primarily for agricultural, horticultural, ranching, mining, forestry or recreational purposes shall be deemed improved within the meaning of this subsection b. The term "real estate" as used in this chapter shall include any real property and any interest therein, including, without limitation, any interest on, above or below the surface of the land, any leasehold estate therein, and any such interest held or to be held by the insurer in cotenancy with one or more other persons and any partnership interest held by the insurer in any general or limited partnership engaged in a business primarily involving the owning, improving, developing, operating or leasing of real estate. Income produced by investment in any such leasehold shall be applied in a manner calculated to amortize the amount invested in such leasehold within a period not exceeding eight-tenths of the unexpired term of the leasehold, inclusive of enforceable options, or within 40 years, whichever is the lesser, or where the peculiar nature of the leasehold involved so dictates, within such period and subject to such

other reasonable limitations as the commissioner shall by regulation impose. For the purposes of this subsection b., a mortgage loan shall not be deemed to be an investment in real estate, notwithstanding the mortgagor is an institution in which such insurer has an ownership interest as shareholder, partner, or otherwise. The commissioner may promulgate a regulation in connection with investments under this subsection b. which shall, as far as practicable, be consistent with those regulations of the department which treat with securities supported by such interests in real estate.

c. Mortgage loans on unencumbered real estate, located within the United States, any territory or possession thereof, the Commonwealth of Puerto Rico or Canada. The amount of any such loan shall not exceed 80% of the value of the real estate mortgaged unless (1) the loan is also secured by the mortgagor's interest in a lease or leases whose aggregate rentals shall be sufficient, after payment of operating expenses and fixed charges, to repay 90% of the loan with interest thereon during the initial term or terms of such lease or leases and shall be payable directly or indirectly by any governmental units, instrumentalities, agencies or political subdivisions or an institution or institutions which meet the credit standards of the insurer for an unsecured loan to such institution or institutions or (2) the loan is secured by a purchase money mortgage or like security received by the insurer upon the sale or exchange of real estate acquired pursuant to any provision of this title or (3) the excess over such 80% is insured or guaranteed or to be insured or guaranteed by the United States, any territory or possession thereof, this or any other state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Canada or any of the provinces thereof, or any instrumentality, agency or political subdivision of one or more of the foregoing. Any mortgage loan so insured or guaranteed or to be insured or guaranteed shall not be subject to the provisions of any law of this State prescribing or limiting the interest which may be charged or taken upon any such loan.

Any such insurer may hold a participation in any such mortgage loan if (1) such participation is senior and gives the holder substantially the rights of a first mortgagee or (2) the interest of such insurer in the evidence or evidences of indebtedness is of equal priority, to the extent of such interest, with other interests therein.

Any such mortgage loan which exceeds two-thirds of the value of the real estate mortgaged shall provide for such payments of principal, whatever the period of the loan, that at no time during

the period of the loan shall the aggregate payments of principal theretofore required to be made under the terms of the loan be less than would have been necessary to reduce the loan to two-thirds of such value by the end of 35 years through payments of interest only for five years and equal payments applicable first to interest and then to principal at the end of each year thereafter. The commissioner may promulgate such supplemental regulations as he deems necessary with regard to particular classes of such investments, taking into consideration the type of security and the ratio of the loan to the value of the real estate mortgaged. No loan may be made on leasehold real estate unless the terms of such loan provide for payments to be made by the borrower on the principal thereof in amounts sufficient to completely repay the loan within a period not exceeding nine-tenths of the term of the leasehold, inclusive of the term or terms which may be provided by any enforceable option or options of extension or of renewal, which is unexpired at the time the loan is made.

Real estate shall not be deemed to be encumbered within the meaning of this subsection c. by reason of the existence of taxes or assessments that are not delinquent, or encumbrances that do not adversely affect the salability of the property to a material extent or as to which the insurer is insured against loss by title insurance, or any prior mortgage or mortgages held by such insurer if the aggregate of the mortgages held shall not exceed the amount hereinbefore set forth, nor when such real estate is subject to lease in whole or in part; provided, that the security created by the mortgage on such real estate is a first lien thereon. Real estate shall not be deemed to be encumbered and the security of the mortgage thereon shall be deemed a first lien within the meaning of this subsection c., notwithstanding the mortgagor is an institution in which such insurer has an ownership interest as shareholder, partner or otherwise.

No such insurer shall, pursuant to this subsection c., invest more than 2% of its total admitted assets as of December 31 next preceding in any mortgage loan secured by any one property, nor shall its total mortgage investments pursuant to this subsection c., exclusive of any mortgage loans secured by a purchase money mortgage or like security received by the insurer upon the sale or exchange of real estate acquired pursuant to any provision of this title or insured or guaranteed or to be insured or guaranteed as hereinbefore provided, exceed 60% of such admitted assets.

d. Tangible personal property, equipment trust obligations or other instruments evidencing an ownership interest or other interest in tangible personal property where there is a right to receive determined portions of rental, purchase or other fixed obligatory payments for the use or purchase of such personal property, provided, that the aggregate of such payments, together with the estimated salvage value of such property at the end of its minimum useful life and the estimated tax benefits to the insurer resulting from ownership of such property, is adequate to return the cost of the investment in such property, and provided further, that the aggregate net investments therein shall not exceed 10% of the total admitted assets of such insurer as of December 31 next preceding; or certificates of receivers of any institution where such purchase is necessary to protect an investment in the securities of such institution theretofore made under authority of this chapter; or the capital stock, beneficial shares or other instruments evidencing an ownership interest, bonds, securities or evidences of indebtedness issued, assumed or guaranteed by any institution created or existing under the laws of the United States, any territory or possession thereof, this or any other state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Canada or any of the provinces thereof; provided, that no purchase of any evidence of indebtedness which is in default as to interest shall be made by such insurer unless such purchase is necessary to protect an investment theretofore made under statutory authority.

The term "institution" as used in this chapter shall include any corporation, joint stock association, business trust, business joint venture, business partnership, savings and loan association, credit union or other mutual savings institution. No purchase shall be made of the stock of any class of any corporation, except a subsidiary of the insurer pursuant to N.J.S.17B:20-4, unless (1) such corporation has paid cash dividends on such class of stock during each of the past five years preceding the time of purchase or (2) such corporation shall have earned during the period of such five years an aggregate sum available for dividends upon such stock which would have been sufficient, after all fixed charges and obligations, to pay dividends upon all shares of such class of stock outstanding during such period averaging 4% per annum computed upon the par value (or in the case of stock having no par value, upon the stated capital in respect thereof) of such stock. In the case of the stock of a corporation resulting from or formed by merger, consolidation, acquisition or otherwise less than five years

prior to such purchase, each consecutive year next preceding the effective date of such merger, consolidation or acquisition during which dividends or other distributions of profits shall have been paid by any one or more of its constituent or predecessor institutions shall be deemed a year during which dividends have been paid on such class of stock and the earnings of such constituent or predecessor institutions available for dividends during each of such years may be included as earnings of the existing corporation whose stock is to be purchased for each of such years; provided, however, that nothing herein contained shall prohibit the purchase of stock of any class which is preferred, as to dividends, over any class the purchase of which is not prohibited by this section; and provided further, that no purchase of its own stock shall be made by any insurer except for the purpose of the retirement of such stock or except as specifically permitted by any law of this State applicable by its terms only to insurers.

e. Securities, properties and other investments in foreign countries, in addition to those specified in N.J.S.17B:20-5, which are substantially of the same character as prescribed for authorized investments for funds of the insurer under the preceding subsections of this section, to an amount valued at cost, not exceeding in the aggregate at any one time 5% of the total admitted assets of such insurer as of December 31 next preceding; provided, however, that the amount invested pursuant to this subsection e. in authorized investments, other than qualified foreign investments, shall not exceed in the aggregate, at any one time, 2% of such admitted assets; and provided further that the amount invested in authorized investments in any one foreign country pursuant to this subsection e. shall not exceed in the aggregate, at any one time, 2% of such admitted assets. For the purposes of this subsection e., Canada shall not be deemed to be a foreign country.

The term "qualified foreign investment" as used in this subsection e. shall include any investment in a foreign country where: (1) the issuer or obligor is (a) a jurisdiction which is rated in one of the two highest rating categories by an independent, nationally recognized United States rating agency, (b) any political subdivision or other governmental unit of any such jurisdiction, or any agency or instrumentality of any such jurisdiction, political subdivision or other governmental unit, or (c) an institution which is organized under the laws of any such jurisdiction, or, in the case of investments which are substantially of the same character as prescribed for investments under subsections b. and c. of this section, the

real property is located in any such jurisdiction; and (2) if the investment is denominated in any currency other than United States dollars, the investment is effectively hedged, substantially in its entirety, against the United States dollar pursuant to contracts or agreements which are (a) issued by or traded on a securities exchange or board of trade regulated under the laws of the United States or Canada or a province thereof, (b) entered into with a United States banking institution which has assets in excess of \$5,000,000,000 and which has obligations outstanding, or has a parent corporation which has obligations outstanding, which are rated in one of the two highest rating categories by an independent, nationally recognized United States rating agency, or with a broker-dealer registered with the Securities and Exchange Commission which has net capital in excess of \$250,000,000, or (c) entered into with any other banking institution which has assets in excess of \$5,000,000,000 and which has obligations outstanding, or has a parent corporation which has obligations outstanding, which are rated in one of the two highest rating categories by an independent, nationally recognized United States rating agency and which is organized under the laws of a jurisdiction which is rated in one of the two highest rating categories by an independent, nationally recognized United States rating agency.

Any investment qualified pursuant to paragraph (2) of the preceding definition of "qualified foreign investment" shall remain so qualified only at such time or times that the hedging requirements of paragraph (2) are met.

f. Bonds, notes, or other evidences of indebtedness, issued, insured or guaranteed or to be insured or guaranteed by the International Bank for Reconstruction and Development, or by the International Finance Corporation, or by the Inter-American Development Bank, or by the Asian Development Bank, or by the African Development Bank.

g. Collateral loans secured by a pledge of capital stock, beneficial shares or other instruments evidencing an ownership interest, bonds, securities or evidences of indebtedness qualified or permitted for investment under any of the preceding subsections of this section. The amount of any such loan shall not exceed 80% of the market value of the security pledged at the date of the loan.

h. Loans or investments which are not qualified or permitted under any of the preceding subsections of this section or which are not otherwise expressly authorized by law; provided, that the aggregate amount of such loans and investments, valued at cost, shall not exceed at any one time 7% of the total admitted assets of such insurer as of December 31 next preceding.

For the purposes of subsection c. and this subsection h., the portion of a mortgage loan on unencumbered real estate which does not exceed 80% of the value of the real estate mortgaged shall be deemed to be a permitted investment under subsection c. and the remainder of said loan may be deemed to be made under this subsection h. Any investment originally made under this subsection h. which would subsequently, if it were being made, qualify as a permitted investment under another subsection of this section shall thenceforth be deemed to be a permitted investment under such other subsection.

2. Section 1 of P.L.1947, c.308 (C.17:2-9.3) is amended to read as follows:

C.17:2-9.3 Legal investments in international banks.

1. The following may, in addition to other investments allowed by law, properly and legally invest any funds, including capital, belonging to them or within their control in obligations issued or guaranteed by the International Bank for Reconstruction and Development, or the International Finance Corporation, or by the Inter-American Development Bank or the Asian Development Bank or the African Development Bank; that is to say:

(a) Insurance companies, insurance associations, and all other persons carrying on an insurance business.

(b) Executors, administrators, guardians, committees, conservators, liquidators, rehabilitators, receivers, trustees, and all other persons occupying similar fiduciary positions.

(c) Banks, trust companies, bankers and savings banks.

(d) Savings and loan, and building and loan associations, investment companies, and other financial institutions.

(e) Credit unions, cemetery associations, mutual benevolent and benefit associations.

(f) Firemen's, police, and teachers' association pension and relief funds.

(g) Other pension, retirement, compensation, and sinking fund systems.

(h) The State and its counties, and municipalities and their subdivisions and agencies.

(i) All public officers, officials, boards, commissions, bodies and agencies of the State and its counties, and municipalities and their subdivisions and agencies.

(j) Any other individual, firm, group, corporation, association, institution, and fund of any nature whatsoever.

3. This act shall take effect immediately.

Approved April 12, 1994.

CHAPTER 21

AN ACT concerning the management of asbestos hazards and amending and supplementing P.L.1984, c.173.

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

1. Section 1 of P.L.1984, c.173 (C.34:5A-32) is amended to read as follows:

C.34:5A-32 Findings.

1. The Legislature finds that the application, enclosure, removal and encapsulation of asbestos when improperly performed creates unnecessary health and safety hazards which are detrimental to the State's interest in protecting the health, safety, and welfare of all citizens thereby exposed to such asbestos hazards.

2. Section 2 of P.L.1984, c.173 (C.34:5A-33) is amended to read as follows:

C.34:5A-33 Policy declaration.

2. The Legislature declares it to be its purpose and policy to reduce asbestos-related hazards by:

a. Encouraging contracting parties, citizens and insurance companies in their efforts to reduce disabling asbestos hazards and to stimulate initiation of new and to perfect existing programs for controlling the application, use and removal of asbestos, an extremely dangerous substance;

b. Creating a climate for developing innovative methods, techniques and approaches for dealing with life-destroying asbestos materials;

c. Encouraging competence and knowledge in the field of asbestos application, enclosure, repair, removal, and encapsulation by the licensing of employers, including contractors, and the permitting of employees in an effort to ensure that incompetent work will not pose a health and safety threat to the public-at-large through subsequent exposure to asbestos;

d. Providing for the adoption of standards for the application, enclosure, removal, encapsulation, storage, sale, disposal and use of asbestos and asbestos-containing material; and

e. Establishing an enforcement program for these standards, which shall include reporting procedures.

3. Section 3 of P.L.1984, c.173 (C.34:5A-34) is amended to read as follows:

C.34:5A-34 Definitions.

3. As used in this act:

a. "Asbestos" means the asbestiform varieties of chrysotile (serpentine); crocidolite (riebeckite); amosite (cummingtonite-grunerite); anthophyllite; termolite; and actinolite;

b. "Asbestos-containing material" means any material which contains more than 1% asbestos by weight;

c. "Employee" means any person suffered or permitted to work by an employer;

d. "Employer" means a body, board, person, corporation, partnership, proprietorship, joint venture, fund, authority or similar entity employing, permitting or suffering another to work. In the case of a corporation, the officers of the corporation and any agents having the management of the corporation shall be deemed to be employers of the employees of the corporation for the purposes of this act. This term shall apply to private employers and to the State, its political subdivisions, and any boards, commissions, schools, institutions, or authorities created or recognized thereby;

e. "Friable" means asbestos-containing material that when dry may be crumbled, pulverized or reduced to powder by hand pressure, and includes previously nonfriable asbestos-containing material after that material becomes damaged to the extent that when dry it may be crumbled, pulverized or reduced to powder by hand pressure.

4. Section 4 of P.L.1984, c.173 (C.34:5A-35) is amended to read as follows:

C.34:5A-35 Specifications required.

4. Any private or public agency letting contracts for any activity involving the application, enclosure, repair, removal or encapsulation of asbestos in any structure for which a license is required shall include in these contracts specifications that these contracts are to be performed by contractors and subcontractors licensed by the Commissioner of Labor.

5. Section 5 of P.L.1984, c.173 (C.34:5A-36) is amended to read as follows:

C.34:5A-36 License for asbestos work; exception.

5. No employer shall either directly or indirectly perform any of the functions of application, enclosure, removal, or encapsulation of asbestos in any structure, nor enter into any contract with the owner or the owner's representative for the employer to perform such work or services, without first obtaining a nontransferable license from the Commissioner of Labor, except private employers subject to the federal Occupational Safety and Health Act of 1970 (29 U.S.C. § 651 et seq.) who use their own employees to apply, enclose, remove, repair, or encapsulate asbestos in their own facility, or as otherwise exempted pursuant to section 7 of P.L.1994, c.21 (C.34:5A-43).

This license shall be in writing, shall be dated when issued, shall contain an expiration date, and shall be signed by the commissioner. The commissioner may issue employer licenses with such conditions as the commissioner deems necessary, and as adopted by regulation, specifying the scope of work authorized by such license. No license shall be issued by the commissioner unless the employer has completed a course of training certified by, and satisfactorily has completed an examination approved by, the Department of Health. The license shall give the name and address of the employer to whom it is issued. Licensed employers shall post a sign indicating, in letters more than four inches in height, "LICENSED BY THE STATE OF NEW JERSEY FOR ASBESTOS WORK," readily visible outdoors at the work site. The actual license shall be readily available at the work site for inspection by representatives of the Commissioners of Labor and Health and the contracting agency.

6. Section 6 of P.L.1984, c.173 (C.34:5A-37) is amended to read as follows:

C.34:5A-37 Performance permit, exception.

6. Every employee performing functions of application, enclosure, repair, removal, or encapsulation of asbestos, with the exception of employees of an employer subject to the federal Occupational Safety and Health Act of 1970 (29 U.S.C. § 651 et seq.) applying, enclosing, repairing, removing, or encapsulating asbestos at the employer's own facility, or as otherwise exempted pursuant to section 7 of P.L.1994, c.21 (C.34:5A-43), shall first procure from the Commissioner of Labor a performance permit. No permit shall be issued unless the employee has taken a course of training in asbestos control

and removal, passed an examination thereon, and demonstrated the ability to perform asbestos control and removal safely, in accordance with the current state-of-the-art technology. The Commissioner of Health shall certify the course of training and approve the examination necessary for a permit. This permit shall be in writing, shall be dated when issued, shall contain an expiration date, and shall be signed by the Commissioner of Labor. It shall give the name and address of the employee to whom it is issued. The permit shall be carried upon the worker's person and be readily available for inspection by representatives of the Commissioners of Labor and Health and the contracting agency. The Commissioner of Labor may place reasonable conditions on employee permits which specify the scope of work authorized by such permit.

C.34:5A-43 Adoption of standards; exemptions; fees.

7. a. The Commissioner of Health shall, by regulation, adopt standards and other requirements for the certification of training programs and for approving examinations for the issuance of licenses or permits pursuant to P.L.1984, c.173 (C.34:5A-32 et seq.).

b. The Commissioner of Health may, by regulation, exempt from the license or permit requirements of P.L.1984, c.173 (C.34:5A-32 et seq.) designated asbestos-related activities should sufficient data indicate that no significant asbestos exposure exists. These exempted activities shall involve non-friable asbestos-containing material that is not rendered friable by the activity.

c. The Department of Health shall, in accordance with fee schedules adopted by regulation, establish, charge, and collect reasonable annual fees for the certification of all training agencies administering training courses and for approving all examinations required by this act. There shall annually be appropriated an amount equivalent to the amount anticipated to be collected by the Department of Health for the administration of the training and examination programs certified or approved by the department.

8. Section 7 of P.L.1984, c.173 (C.34:5A-38) is amended to read as follows:

C.34:5A-38 Issuance of license, permits; certification of training courses; fees.

7. Beginning not later than one year following the effective date of this act, licenses and permits shall be issued by the Commissioner of Labor, or his designee, and shall be valid for 12 months, in accordance with regulations promulgated under provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). The Commissioner of Labor shall, in accordance with fee

schedules adopted by regulation, establish, charge, and collect reasonable annual fees for licenses and permits. There shall annually be appropriated an amount equivalent to the amount anticipated to be collected by the Department of Labor pursuant to the provisions of this act and that amount shall be applied to enforcement and administration costs of the Division of Workplace Standards in the Department of Labor. The Commissioner of Health shall, in accordance with fee schedules adopted by regulation, establish, charge, and collect reasonable annual fees for the certification of all training agencies administering training courses and for the administration of all examinations required by this act. There shall annually be appropriated an amount equivalent to the amount anticipated to be collected by the Department of Health for the administration of the training and examination programs certified or approved by the department.

9. Section 8 of P.L.1984, c.173 (C.34:5A-39) is amended to read as follows:

C.34:5A-39 Standards, regulations; hearings.

8. Not later than six months after the effective date of this act, the Commissioners of Labor and Health jointly shall, in consultation with the Commissioner of Environmental Protection, adopt all standards and regulations which they deem necessary for the proper administration and enforcement of this act. These standards and regulations shall include, but shall not be limited to, protective equipment specifications; application, enclosure, removal, and encapsulation procedures; administrative penalties; waste disposal; self-monitoring; cleanup; health checkup; license and permit issuance, suspension, renewal and revocation; fee charges; experience necessary for license or permit qualification; general subject matter of qualifying examinations; and continuing education. Any suspension, revocation, or refusal to renew any permit or license pursuant to this act shall be effectuated as follows: the department that is responsible for the issuance of the permit or license may suspend, revoke, or refuse to renew any license or permit because of a violation of any provision of this act. Prior to that suspension, revocation, or failure to renew, the department shall afford the applicant, licensee, or permit holder an opportunity for a hearing in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), except that, if the department has reason to believe that a condition exists at a job site which poses an imminent threat to

the public health, safety or welfare, it may order the immediate suspension of the license, permit, or certification pending the outcome of the hearing.

10. Section 9 of P.L.1984, c.173 (C.34:5A-40) is amended to read as follows:

C.34:5A-40 Enforcement.

9. This act, and its standards and regulations, shall be enforced by the Commissioners of Labor and Health, who have the right-of-entry to all pertinent premises and records for purposes of inspection and information. Both commissioners may employ the following powers and remedies in enforcing their respective responsibilities under this act:

a. Whenever either commissioner finds that a person has violated any provision of this act for which that commissioner has the responsibility of enforcement, that commissioner may issue an administrative order specifying the provision or provisions of the act which the person has violated, ordering abatement of the violation and giving notice of the person's right to a hearing on the matters contained in the order. The person shall have 10 calendar days from receipt of the order within which to deliver to the commissioner a written request for a hearing. After the hearing, and upon finding that a violation has occurred, the commissioner may issue a final order. If no hearing is requested, the order shall become final upon expiration of the 10-day period. A request for a hearing shall not automatically stay the effect of an administrative order. A stay of an administrative order may only be granted by the commissioner upon a written request and a factual basis clearly supporting the appropriateness of the stay.

b. Either commissioner may institute an action or proceeding in the Superior Court for injunctive or other relief for any violation of this act for which that commissioner has the responsibility of enforcement and the court may proceed in the action in a summary manner. In the proceeding, the relief may restrain any violation or compel the taking of any action required pursuant to this act, and the court may grant temporary or interlocutory relief. The relief may include, singularly or in combination:

- (1) A temporary or permanent restraining order or injunctive relief;
- (2) Assessment of the violator for the costs of any investigation or inspection leading to the establishment of the violation and for the reasonable costs of preparing and litigating the case; and

(3) Assessment of the violator for the costs incurred by the State in correcting or terminating any adverse health and environmental effects resulting from the violation.

c. Either commissioner may assess a civil administrative penalty for any violation of this act for which that commissioner has the responsibility of enforcement not to exceed \$25,000 for each violation. Each day during which the violation continues shall constitute an additional, separate and distinct offense. No assessment shall be levied pursuant to this section until after the violator has been notified by certified mail or personal service. The notice shall include a reference to the section of the statute violated, a concise statement of the facts alleged to constitute a violation, a statement of the amount of civil administrative penalties to be imposed, and a statement of the violator's right to a hearing. The violator shall have 10 calendar days from receipt of the notice within which to deliver to the commissioner a written request for a hearing. After the hearing, and upon finding that a violation has occurred, the commissioner may issue a final order after assessing the amount of the fine specified in the notice. If no hearing is requested, the notice shall become a final order after the expiration of the 10-day period. Payment of the assessment is due when a final order is issued or the notice becomes a final order. The authority to levy a civil administrative penalty is in addition to all other enforcement provisions and the payment of any assessment shall not be deemed to affect the availability of any other enforcement provisions in connection with the violation for which the assessment is levied. The department may compromise any civil administrative penalty assessed under this section in an amount the department determines appropriate. Any penalty imposed pursuant to this section may be recovered with costs in a summary proceeding commenced by the commissioner pursuant to "the penalty enforcement law," N.J.S. 2A:58-1 et seq.

d. A person who violates an administrative order issued pursuant to subsection a. of this section, or a court order issued pursuant to subsection b. of this section, or who fails to pay in full an administrative assessment pursuant to subsection c. of this section is subject, upon order of a court of competent jurisdiction, to a civil penalty not to exceed \$50,000 per day for such violation.

The pursuit of any of the remedies specified in this section shall not preclude the commissioner from seeking any other remedy.

11. Section 10 of P.L.1984, c.173 (C.34:5A-41) is amended to read as follows:

C.34:5A-41 Violations; penalties.

10. Any person who knowingly hinders or delays the Commissioner of Labor or Health or the authorized representative thereof, in the performance of the duty to enforce this act, or knowingly submits false or misleading information on any license or permit application required by this act, or fails to obtain licenses or permits required by the provisions of this act, or refuses to make these licenses or permits accessible to either commissioner, or the authorized representative thereof, or otherwise violates any provision of this act or any regulation adopted under this act, shall, upon conviction, be guilty of a crime of the third degree and, notwithstanding the provisions of N.J.S.2C:43-3, shall be subject to a fine of not more than \$25,000 in addition to any other appropriate disposition authorized by subsection b. of N.J.S.2C:43-2. Notwithstanding N.J.S.2C:1-6, any prosecution for a violation of this section shall be commenced within five years of the date of discovery of the violation.

C.34:5A-44 Petition for enforcement action.

12. Any person who believes that a violation of this act has occurred may petition the Commissioner of Health or the Commissioner of Labor to bring an enforcement action pursuant to this section. Any citizen complaint filed pursuant to this section shall specify the provision alleged to have been violated, the facts which constitute the alleged violation and the name and address of the citizen lodging the complaint. Upon receipt of a citizen's complaint pursuant to this section, the commissioner who is responsible for enforcement action regarding the violation shall:

- a. Give notice of the complaint within 10 calendar days to the person alleged to be in violation;
- b. Give notice to the citizen who filed the complaint of the scheduling of an enforcement investigation inspection to investigate the complaint within 30 calendar days of its having been filed;
- c. Afford the complaining citizen or his or her representative an opportunity to be present during the enforcement investigation inspection. Public employees who bring complaints shall have the right to accompany the commissioner on an enforcement investigation inspection and shall receive payment of normal wages for time spent during normal working hours on the inspection;
- d. Afford the complaining citizen access to all public records regarding the commissioner's investigation; and
- e. Render a final decision within 90 calendar days of receipt of a citizen complaint on the appropriate disposition, after investigation, of the citizen's complaint. The decision shall either reference

the initiation of an enforcement action or state the factual and legal basis of the decision not to bring an enforcement action.

Public employees bringing a complaint pursuant to this section shall have all protections and rights set forth in section 21 of P.L.1983, c.516 (C.34:6A-45).

13. This act shall take effect immediately.

Approved April 15, 1994.

CHAPTER 22

AN ACT concerning private duty nursing and amending P.L.1989, c.170.

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

1. Section 2 of P.L.1989, c.170 (C.26:2H-12.8) is amended to read as follows:

C.26:2H-12.8 Rights of persons admitted to a general hospital.

2. Every person admitted to a general hospital as licensed by the State Department of Health pursuant to P.L.1971, c.136 (C.26:2H-1 et al.) shall have the right:

- a. To considerate and respectful care consistent with sound nursing and medical practices;
- b. To be informed of the name of the physician responsible for coordinating his care;
- c. To obtain from the physician complete, current information concerning his diagnosis, treatment, and prognosis in terms he can reasonably be expected to understand. When it is not medically advisable to give this information to the patient, it shall be made available to another person designated by the patient on his behalf;
- d. To receive from the physician information necessary to give informed consent prior to the start of any procedure or treatment and which, except for those emergency situations not requiring an informed consent, shall include as a minimum the specific procedure or treatment, the medically significant risks involved, and the possible duration of incapacitation, if any, as well as an explanation of the significance of the patient's informed consent. The

patient shall be advised of any medically significant alternatives for care or treatment, however, this does not include experimental treatments that are not yet accepted by the medical establishment;

e. To refuse treatment to the extent permitted by law and to be informed of the medical consequences of this act;

f. To privacy to the extent consistent with providing adequate medical care to the patient. This shall not preclude discussion of a patient's case or examination of a patient by appropriate health care personnel;

g. To privacy and confidentiality of all records pertaining to his treatment, except as otherwise provided by law or third party payment contract, and to access to those records, including receipt of a copy thereof at reasonable cost, upon request, unless his physician states in writing that access by the patient is not medically advisable;

h. To expect that within its capacity, the hospital will make reasonable response to his request for services, including the services of an interpreter in a language other than English if 10% or more of the population in the hospital's service area speaks that language;

i. To be informed by his physician of any continuing health care requirements which may follow discharge and to receive assistance from the physician and appropriate hospital staff in arranging for required follow-up care after discharge;

j. To be informed by the hospital of the necessity of transfer to another facility prior to the transfer and of any alternatives to it which may exist, which transfer shall not be effected unless it is determined by the physician to be medically necessary;

k. To be informed, upon request, of other health care and educational institutions that the hospital has authorized to participate in his treatment;

l. To be advised if the hospital proposes to engage in or perform human research or experimentation and to refuse to participate in these projects. For the purposes of this subsection "human research" does not include the mere collecting of statistical data;

m. To examine and receive an explanation of his bill, regardless of source of payment, and to receive information or be advised on the availability of sources of financial assistance to help pay for the patient's care, as necessary;

n. To expect reasonable continuity of care;

o. To be advised of the hospital rules and regulations that apply to his conduct as a patient;

p. To treatment without discrimination as to race, age, religion, sex, national origin, or source of payment; and

q. To contract directly with a New Jersey licensed registered professional nurse of the patient's choosing for private professional nursing care during his hospitalization. A registered professional nurse so contracted shall adhere to hospital policies and procedures in regard to treatment protocols and policies and procedures so long as those policies and procedures are the same for private duty and regularly employed nurses. The registered professional nurse shall not be considered an agent or employee of the hospital for purposes of any financial liabilities, including, but not limited to, State or federal employee taxes, worker's compensation payments or coverage for professional liability.

The hospital, upon a patient's or his designee's request for private professional nursing care, shall provide the patient or his designee with a list of local nonprofit professional nurses association registries that refer nurses for private professional nursing care.

2. This act shall take effect immediately.

Approved April 16, 1994.

CHAPTER 23

AN ACT providing for termination of the county probation officers' pension fund in certain counties and supplementing article 5 of chapter 10 of Title 43 of the Revised Statutes.

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

C.43:10-59.3 Termination of pension fund established for certain county probation officers.

1. Any pension fund established for county probation officers under this article (R.S.43:10-45 et seq.) in a county having a population of at least 250,000 but not greater than 375,000 according to the 1990 federal decennial census shall be terminated as of the first day of the fourth month following the effective date of this act. The obligations of the fund with respect to the payment of pensions to retirants, beneficiaries and survivors under this article shall, upon termination of the fund, become obligations of the county. Any assets of the fund not already held in the name of the county shall become assets of the county, but the county shall hold those assets

and any income, profit or gain derived therefrom in trust for those retirants, beneficiaries and survivors for so long as they continue to be qualified for benefits under the provisions of this article.

C.43:10-59.4 County probation officers permitted enrollment in PERS.

2. A county probation officer of the county who, on the effective date of this act, is in active service and eligible to retire under this article shall, upon termination of the pension fund, be permitted to enroll in the Public Employees' Retirement System of New Jersey if the officer makes application for such enrollment not later than the 90th day following the termination. Within 120 days following the termination the county shall remit to the Public Employees' Retirement System all accumulated deductions standing to the credit of each officer so enrolled and shall remit the pro rata part of the county fund constituting the employer's account. Employees enrolled in the Public Employees' Retirement System pursuant to this act shall be members of the retirement system, and deductions from their salaries and contributions on their behalf shall be made as required by P.L.1954, c.84 (C.43:15A-1 et seq.). Those employees shall have the same rights, benefits and obligations as all other members of the system. Any credit for public service which had been established in the terminated pension fund by those employees shall be established in the Public Employees' Retirement System. All outstanding obligations and arrearages shall be satisfied by a transferred employee as previously scheduled for payment to the terminated pension fund.

Upon enrollment of the employees in the Public Employees' Retirement System under the provisions of this act, the rate of contribution of each such newly enrolled member of the retirement system shall be determined by the rates payable by other members, except that the number of years of credited service in the terminated pension fund shall be deducted from the member's current age at the time of enrollment in order to fix the age upon which the rate of contribution is based.

The actuary of the Public Employees' Retirement System under this act shall calculate the difference, for each employee enrolled in the retirement system under this act, between the amounts transferred as provided herein and the amounts necessary to provide all benefits to which the employee shall be entitled upon such enrollment. The employer of the employee shall be liable to the retirement system for the full amount of that difference. Upon certification by the actuary of the Public Employees' Retirement System, each

employer shall make such contributions as are required in order to meet the financial obligation. The chief fiscal officer of each employer shall transmit to the retirement system such information as the system shall require in order for the New Jersey State Division of Pensions and Benefits to comply with the provisions of this act.

3. This act shall take effect immediately.

Approved April 16, 1994.

CHAPTER 24

AN ACT to rename the Senator Garrett W. Hagedorn Center for Geriatrics and amending and supplementing R.S.30:1-7 and R.S.30:4-160.

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

1. R.S.30:1-7 is amended to read as follows:

Institutions, agencies covered by Title 30.

30:1-7. The long-term care facilities, institutions, and psychiatric facilities of this State, within the meaning of this Title, shall include the following, and, as well, any facilities established hereafter for any similar purpose:

Trenton Psychiatric Hospital,
Greystone Park Psychiatric Hospital,
Marlboro Psychiatric Hospital,
Ancora Psychiatric Hospital,
Senator Garrett W. Hagedorn Gero-Psychiatric Hospital,
The Forensic Psychiatric Hospital,
North Princeton Developmental Center,
North Jersey Developmental Center,
New Lisbon Developmental Center,
Woodbine Developmental Center,
Vineland Developmental Center,
Woodbridge Developmental Center,
Hunterdon Developmental Center,
Arthur Brisbane Child Center at Allaire.

2. R.S.30:4-160 is amended to read as follows:

State hospitals.

30:4-160. The New Jersey State Hospitals, designated in R.S.30:1-7 as psychiatric hospitals, shall include the existing buildings and lands of Ancora Psychiatric Hospital, Greystone Park Psychiatric Hospital, Marlboro Psychiatric Hospital, Senator Garrett W. Hagedorn Gero-Psychiatric Hospital, Trenton Psychiatric Hospital and The Forensic Psychiatric Hospital, and all grounds or places where the patients thereof may from time to time be maintained, kept, housed or employed.

C.30:1-7.2 References to Senator Garrett W. Hagedorn Gero-Psychiatric Hospital.

3. Whenever reference is made in any law, contract or document to the Senator Garrett W. Hagedorn Center for Geriatrics, the same shall mean and refer to the Senator Garrett W. Hagedorn Gero-Psychiatric Hospital.

4. This act shall take effect immediately.

Approved April 16, 1994.

CHAPTER 25

AN ACT extending the special contractual provisions of the public contracts law to certain historic buildings and amending P.L.1987, c.202.

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

1. Section 2 of P.L.1987, c.202 (C.52:32-2.2) is amended to read as follows:

C.52:32-2.2 Historic buildings designated for purposes of special public contracts.

2. a. The Legislature further finds that there are projects for the construction, renovation or restoration of public buildings that must employ construction management personnel, engineers, architects and contractors whose skills and expertise will identify, display and protect the historical, architectural, cultural and artistic significance of those public buildings; and that buildings of this nature have the highest priority in being constructed, renovated and restored in the most timely manner and with the highest managerial, professional and technical expertise

when they house the seat of the State Government and are to provide for its continuous operation and when these buildings are some of the most architecturally or historically significant of the State's structures. The Legislature declares that the State House, the State House Annex and ancillary structures, the War Memorial, the Old Barracks, the Kelsey Building and the townhouses adjacent to the Kelsey Building are the buildings or constitute the project which are subject to the provisions of subsection b. of this section.

b. Notwithstanding the provisions of R.S.52:32-2 and section 11 of P.L.1981, c.120 (C.52:18A-78.11) to the contrary, in the case of the erection, construction, alteration or repair of the State House, State House Annex and ancillary structures, the War Memorial, the Old Barracks, the Kelsey Building and the townhouses adjacent to the Kelsey Building, as public buildings or a project of the New Jersey Building Authority, if the board, body or person authorized by law to award contracts for the work on the public building, or the authority for the work on the project, finds that such a building or project:

(1) requires a unique application of specialized planning, management and operational strategies, skills and techniques;

(2) requires that construction management personnel, engineers, architects and contractors whose skills and expertise will best identify, display and protect the historical, architectural, cultural and artistic significance of the building or project be employed for its planning, design and construction, renovation or restoration; and

(3) must be completed in the most efficient and timely manner, then the board, body or person authorized by law to award the contracts, or the authority, may (a) by advertising and receiving bids in the form of a single contract, multiple branch contracts, or both, award the contract to the lowest responsible bidder or bidders, as determined by the board, body, person, or authority; or (b) in order to further the purposes of this section, by inviting bids for the single contract, multiple branch contracts, or both, from among a list of qualified bidders, in a manner that will promote full and free competition whenever practicable, award the contract or contracts to that responsible bidder from among the invited bidders whose bid, conforming to the invitation for bids, will be most advantageous to the State, price and other factors considered.

2. This act shall take effect immediately.

Approved April 16, 1994.

CHAPTER 26

AN ACT concerning the taking of striped bass, and amending
P.L.1983, c.506 and P.L.1987, c.83.

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

1. Section 2 of P.L.1983, c.506 (C.23:5-44) is amended to
read as follows:

C.23:5-44 Definitions.

2. As used in this act:
 - a. (Deleted by amendment, P.L.1985, c.211).
 - b. "Marine waters" means all the salt waters of this State, including the waters of the Atlantic Ocean, and all bays, inlets and estuarine waters located below the freshwater portion of any river, stream or creek, but shall not include any of the freshwaters of this State as defined in R.S.23:1-2;
 - c. (Deleted by amendment, P.L.1985, c.211).
 - d. "Spearfishing" means the taking of striped bass by means of a spear, harpoon, or other missile, while the swimmer is completely submerged in marine waters, but shall not include the use of blinding lights for the purpose of spearing striped bass, or spears, harpoons or other missiles with exploding heads;
 - e. "Striped bass" means a game fish of the species "*Morone saxatilis*" commonly referred to as rockfish, rock or striper;
 - f. "Delaware bay" means all the waters of the State north and west of the COLREGS Demarcation Line up to the Commodore Barry Bridge, on which U.S. Route 322 traverses the Delaware River;
 - g. "COLREGS" means the abbreviation used by the United States Coast Guard to refer to the "International Regulations for Preventing Collisions at Sea," and the "COLREGS Demarcation Line" means the demarcation line designated by the United States Coast Guard in accordance with the COLREGS, which runs from the Cape May Point Lighthouse in Cape May, New Jersey to the flashing white marker 5 sec Harbor of Refuge Light maintained by the United States Coast Guard at Cape Henlopen, Delaware;
 - h. "Hudson river estuary" means all marine waters of the State east of the State Route 35 bridge on the Navesink river and all marine waters of the State contiguous north and west of a line drawn from the six-second isophase light and 15-mile bell, known as the "Sandy Hook Point Light" iso 6 sec 15M bell and maintained by the

United States Coast Guard near the tip of Sandy Hook, to the 4s 6M "4" flashing red marker, known as the "Rockaway Point Breakwater Light 4" and maintained by the United States Coast Guard near Breezy Point on the western end of Long Island, New York.

2. Section 1 of P.L.1987, c.83 (C.23:5-45.1) is amended to read as follows:

C.23:5-45.1 Daily limits for taking striped bass.

1. a. Except as provided in subsection c. of this section, a person shall not take from the marine waters of the State in any one day, or have in his possession at any time, more than one striped bass. The minimum size limit for any striped bass taken in accordance with this subsection shall be 34 inches in length, except that the minimum size limit shall be 28 inches in length for any striped bass taken from the Delaware bay or the Hudson river estuary.

A person shall not have in his possession any striped bass less than 34 inches in length while on or angling in the marine waters of the State, except that a person who is on or angling in the Delaware bay or the Hudson river estuary shall not have in his possession any striped bass less than 28 inches in length.

b. The possession of any striped bass or parts of a striped bass from which the head or tail has been removed other than immediately prior to preparation or being served as food, which is less than the minimum size limits specified in subsections a. and c. of this section shall be presumed to be a violation of this section.

c. Notwithstanding the provisions of subsections a. and b. of this section to the contrary, upon approval by the Atlantic States Marine Fisheries Commission, the Department of Environmental Protection shall, by regulation adopted pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), provide that a person shall not take from the marine waters of the State in any one day, or have in his possession at any time, more than two striped bass. The minimum size limits for any striped bass taken in accordance with this subsection shall be 34 inches in length for one striped bass and 38 inches in length for the other striped bass, except that in the case of any striped bass taken from the Delaware bay or the Hudson river estuary the minimum size limits shall be 28 inches in length for one striped bass and 38 inches in length for the other striped bass.

The department shall monitor the catch provided for in this subsection and provide for its discontinuance as necessary to keep the State in compliance with the allowances of the commission.

3. This act shall take effect immediately.

Approved April 22, 1994.

CHAPTER 27

AN ACT concerning certain sanitary landfill facilities, amending P.L.1975, c.326, and supplementing P.L.1970, c.39 (C.13:1E-1 et seq.).

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

1. Section 19 of P.L.1975, c.326 (C.13:1E-28) is amended to read as follows:

C.13:1E-28 Annual payment to host municipality.

19. a. Any municipality within which a sanitary landfill facility is located pursuant to an adopted and approved district solid waste management plan shall be entitled to an annual economic benefit not less than the equivalent of \$1.00 per ton of solids on all solid waste accepted for disposal at the sanitary landfill facility during the previous calendar year as determined by the department.

The owner or operator of the sanitary landfill facility shall annually pay to the relevant municipality the full amount due under this subsection and each relevant municipality is empowered to anticipate this amount for the purposes of preparing its annual budget. For the purposes of calculating the payments, the owner or operator of the sanitary landfill facility may, subject to the prior agreement of the relevant municipality and the approval of the Department of Environmental Protection, provide the municipality with any of the following benefits in consideration for the use of land within its municipal boundaries as the location of a sanitary landfill facility:

(1) The receipt of annual sums of money in lieu of taxes on the land used for the sanitary landfill facility;

(2) The exemption from all fees and charges for the disposal of solid waste generated within its boundaries;

(3) The receipt of a lump sum cash payment; or

(4) Any combination thereof.

b. (Deleted by amendment, P.L.1994, c.27).

c. Every owner or operator of a sanitary landfill facility required to make annual payments to a municipality pursuant to subsection a. of

this section may petition the Department of Environmental Protection for an increase in its tariff which reflects these payments. The department, within 60 days of the receipt of the petition, shall issue an appropriate order that these payments shall be passed along to the users of the sanitary landfill facility as an automatic surcharge on any tariff filed with, and recorded by, the department for the solid waste disposal operations of the facility.

d. In issuing any order required by this section, the Department of Environmental Protection shall be exempt from the provisions of R.S.48:2-21.

C.13:1E-28.3 Annual economic benefit for certain neighboring municipalities.

2. a. Any municipality with a population density of more than 1,500 persons per square mile, according to the latest federal decennial census, that shares a common boundary with a municipality within which is located, pursuant to an adopted and approved district solid waste management plan, a sanitary landfill facility:

(1) any part of which lies within 1,300 feet of the common boundary between the municipalities, as determined by the Department of Environmental Protection;

(2) that received more than 700,000 tons of solid waste in the 1992 calendar year or in any calendar year thereafter; and

(3) that is owned or operated by a county or by a county utilities authority created pursuant to the "municipal and county utilities authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.), shall be entitled to an annual economic benefit in consideration for the proximity of the sanitary landfill facility. The annual economic benefit shall be not less than the equivalent of \$0.50 per ton, and not more than \$1.50 per ton, of all solid waste accepted for disposal at the sanitary landfill facility, as determined by the department, during the 1993 calendar year and each year thereafter.

b. A municipality that qualifies for an economic benefit pursuant to subsection a. of this section may negotiate with the owner or operator of the sanitary landfill facility to determine the actual dollar amount of the annual economic benefit to be paid to that municipality.

The owner or operator of the sanitary landfill facility shall annually pay to every municipality qualifying under subsection a. of this section the full amount due under this subsection, except that the owner or operator shall pay the 1993 economic benefit by the last day of the first quarter of the 1994 calendar year. Each municipality qualifying under subsection a. of this section may anticipate the annual economic benefit for the purposes of preparing its 1994 budget and each annual budget thereafter. For the purposes of calculating the method of payment, the

owner or operator of the sanitary landfill facility may, subject to the prior agreement of a municipality qualifying under subsection a. of this section and to the approval of the Department of Environmental Protection, provide that municipality with any of the following benefits in consideration for the proximity of the sanitary landfill facility:

- (1) The exemption from all fees and charges for the disposal of solid waste generated within the boundaries of the municipality;
- (2) The receipt of a lump sum cash payment; or
- (3) Any combination thereof.

c. Every owner or operator of a sanitary landfill facility required to make annual payments to a municipality qualifying pursuant to subsection a. of this section may petition the Department of Environmental Protection for an increase in its tariff which reflects these payments. The department, within 60 days of the receipt of the petition, shall issue an appropriate order that these payments shall be passed along to the users of the sanitary landfill facility as an automatic surcharge on any tariff filed with, and recorded by, the department for the solid waste disposal operations of the facility.

d. In issuing any order required by this section, the Department of Environmental Protection shall be exempt from the provisions of R.S.48:2-21.

3. This act shall take effect immediately.

Approved May 5, 1994.

CHAPTER 28

AN ACT extending the expiration date of certain local taxes and amending P.L.1970, c.326.

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

1. Section 5 of P.L.1970, c.326 (C.40:48C-5) is amended to read as follows:

C.40:48C-5 Alcoholic beverage tax.

5. No tax shall be imposed under any ordinance adopted pursuant to this article with respect to alcoholic beverages delivered to a taxpayer on or after January 1, 1996.

2. Section 19 of P.L.1970, c.326 (C.40:48C-19) is amended to read as follows:

C.40:48C-19 Municipal tax on services.

19. No tax shall be imposed under any ordinance adopted pursuant to this article with respect to services performed prior to January 1, 1971, or in a calendar quarter prior to that in which the ordinance is adopted or on or after January 1, 1996, but any such ordinance shall remain in effect with respect to the right of the municipality to receive reports and enforce and collect taxes due thereunder for any period prior to January 1, 1996.

3. This act shall take effect immediately and shall be retroactive to January 1, 1994.

Approved May 5, 1994.

CHAPTER 29

AN ACT concerning special motor vehicle registration plates for emergency medical technicians-ambulance and supplementing chapter 3 of Title 39 of the Revised Statutes.

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

C.39:3-27.59 Issuance of EMT-A special license plates.

1. a. Upon application by a person who has been certified by the Commissioner of Health as an Emergency Medical Technician-Ambulance, the Director of the Division of Motor Vehicles shall issue for the motor vehicle owned or leased by the applicant special vehicle registration plates bearing the letters "EMT-A." The plates shall also include the vehicle registration number and other markings or identification prescribed by law, including the "Tree of Life" insignia for an Emergency Medical Technician-Ambulance in a design approved by the director. Only one set of special registration plates shall be issued to an applicant. The special plates shall be displayed only on the vehicle for which they were issued.

b. The special vehicle registration plates authorized by this section shall be issued upon proof satisfactory to the director that the applicant meets the condition specified in subsection a. of this section. A person who has been issued special vehicle registration plates under this section shall return the special plates when that person no longer meets the qualification in subsection a. of this section.

c. The fee for the motor vehicle registration plates issued under this section shall be \$25, in addition to the fees otherwise prescribed by law for the registration of motor vehicles.

d. A person who violates a provision of this section shall be fined \$50.

e. The director may adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), governing the issuance and use of the special vehicle registration plates authorized by this section.

C.39:3-27.60 Use of fees collected.

2. The director shall retain from the fees collected pursuant to subsection c. of section 1 of this act such sums as are necessary to provide for all costs incurred by the division in the implementation of this act as certified by the director.

3. This act shall take effect on the first day of the fourth month after enactment.

Approved May 12, 1994.

CHAPTER 30

AN ACT concerning terms of coverage for health benefits of certain retired township employees and their dependents.

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

C.40A:10-23.2 Liability of certain townships for health benefits for certain retirees.

1. Notwithstanding the provisions of N.J.S.40A:10-23 or any other law to the contrary, a township having a population of at least 90,000 according to the latest federal decennial census and

located in a county of the second class having a population of at least 525,000 according to that census which shall have established a health insurance plan covering employees in and retirants from the service of that township, and their dependents, may by ordinance of the governing body assume the liability for the entire cost of continuing to provide that coverage to, and thereupon shall pay all of the premiums for, former employees of the township who, having rendered at least 15 years of service to the township, retired from such employment on or before October 15, 1992 and prior to the attainment of age 62, and including the premiums for coverage of the dependents of those former employees, except that each of those former employees shall be liable for the payment each month of such charges as shall be applicable to that former employee under the schedule of retiree contributions for such coverage in effect on June 30, 1993. In the event that, on or after July 1, 1993 and prior to the effective date of such an ordinance, a former employee entitled to coverage under this section shall have paid any charge with respect to such coverage which is in excess of the amount applicable under that schedule, the township shall, within 30 days of the effective date of the ordinance, reimburse the amount of that excess charge to the former employee.

The provisions of this section shall not apply to a former employee who retired on a disability pension or after 25 years' or more service with the employer, or who retired and reached the age of 62 or older with at least 15 years of service with the employer.

2. This act shall take effect immediately.

Approved May 12, 1994.

CHAPTER 31

AN ACT authorizing county improvement authorities to enter into certain housing finance agreements and amending P.L.1979, c.275.

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

1. Section 3 of P.L.1979, c.275 (C.40:37A-108) is amended to read as follows:

C.40:37A-108 Powers of authority.

3. a. The authority, for the purpose of carrying out the purposes of this act, may:

- (1) Accept from qualified housing sponsors applications for loans;
- (2) Enter into agreements with qualified housing sponsors for permanent loans and temporary loans or advances in anticipation of such permanent loans for the construction or rehabilitation of housing projects;
- (3) Make permanent loans and temporary loans or advances in anticipation of such permanent loans to qualified housing sponsors under the provisions of this act;
- (4) Enter into lease, loan, mortgage, security or any other type of agreements with other agencies or instrumentalities of the State or any political subdivisions of the State for the purpose of providing loans and other financial assistance in order to promote housing projects in any municipality, including, without limitation, agreements to purchase bonds, notes or other debt obligations issued by municipalities and lease, loan, mortgage, security or any other type of agreements to be entered into by municipalities in order to finance a fair share housing obligation pursuant to P.L.1985, c.222 (C.52:27D-301 et al.). The period of usefulness in which such municipal debt obligations or such agreements must mature shall, notwithstanding any provision of law to the contrary, be based on the reasonable life of such housing projects directly or indirectly financed with such municipal debt obligations or such agreements, but in no event shall the period of usefulness be less than the minimum established under the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.); and
- (5) Prepare, carry out, acquire, own, lease and operate housing projects and provide for the construction, reconstruction, improvement, alteration or repair of those housing projects, and to lease or rent any dwellings, accommodations, lands, buildings, structures or other facilities comprising a housing project, subject to the limitations of this act.

b. No application for a loan for the construction or rehabilitation of a housing project to be located in any municipality shall be processed unless there shall be filed with the secretary of the authority prior to such application a certified copy of a resolution adopted by said municipality reciting that there is a need for low and moderate income housing projects in said municipality.

2. This act shall take effect immediately.

Approved May 12, 1994.

CHAPTER 32

AN ACT concerning municipal tax collections and liens and amending and repealing various parts of the statutory law.

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

1. R.S.54:4-64 is amended to read as follows:

Delivery of tax bills.

54:4-64. a. As soon as the tax duplicate is delivered to the collector of the taxing district, as provided in R.S.54:4-55, he shall at once begin the work of preparing, completing, mailing or otherwise delivering tax bills to the individuals assessed, and shall complete that work on or before June 14. He shall also, at least two months before the first installment of taxes for the calendar year falls due, prepare and mail, or otherwise deliver to the individuals assessed, a tax bill for such following first and second installments, computed as provided in R.S.54:4-66. When any individual assessed has authorized the collector to mail or otherwise deliver his tax bill to a mortgagee or any other agent, the collector shall, at the same time, mail or otherwise deliver a duplicate tax bill to the individual assessed and shall print across the face of such duplicate tax bill the following inscription: "This is not a bill -- for advice only." The validity of any tax or assessment, or the time at which it shall be payable, shall not be affected by the failure of a taxpayer to receive a tax bill, but every taxpayer is put on notice to ascertain from the proper official of the taxing district the amount which may be due for taxes or assessments against him or his property.

b. As provided in subsection a. of this section, a mortgagor as the individual assessed for property taxes or other municipal charges with respect to the property securing a mortgage loan, may authorize the tax collector to mail or otherwise deliver his tax bill to a mortgagee or servicing organization. This tax autho-

rization form shall be assignable in the event the mortgagee or servicing organization sells, assigns or transfers the servicing of the mortgage loan to another mortgagee or servicing organization.

c. The tax collector of the taxing district shall, upon receipt of a written request from a mortgagee or servicing organization on a form approved by the commissioner, mail or otherwise deliver a mortgagor's tax bill to a property tax processing organization. The commissioner shall provide by regulation for a procedure by which the tax collector of a taxing district may request the Director of the Division of Local Government Services in the Department of Community Affairs to review the appropriateness of the request to mail or otherwise deliver a mortgagor's tax bill to a property tax processing organization.

d. If a mortgagee, servicing organization, or property tax processing organization requests a duplicate copy of a tax bill, the tax collector of a taxing district shall issue a duplicate copy and may charge a maximum of \$5 for the first duplicate copy and a maximum of \$25 for each subsequent duplicate copy of the same tax bill in the same fiscal year, the actual charge being set by municipal ordinance. The commissioner shall promulgate regulations to effectuate the provisions of this subsection d. which regulations shall include a procedure by which a mortgagee, servicing organization, or property tax processing organization may appeal and be reimbursed for the amount it has paid for a duplicate copy of a tax bill, or any part thereof.

e. As used in subsections a., b., c., and d. of this section, "mortgagee," "mortgagor," "mortgage loan," "servicing organization" and "property tax processing organization" shall have the same meaning as the terms have pursuant to section 1 of P.L.1990, c.69 (C.17:16F-15).

2. R.S.54:4-65 is amended to read as follows:

Form and content of property tax bills.

54:4-65. a. The Director of the Division of Local Government Services in the Department of Community Affairs shall approve the form and content of property tax bills.

b. Each tax bill shall have printed thereon a brief tabulation showing the distribution of the amount raised by taxation in the taxing district, in such form as to disclose the rate per \$100.00 of assessed valuation or the number of cents in each dollar paid by the taxpayer which is to be used for the payment of State school taxes, other State taxes, county taxes, local school expenditures

and other local expenditures. The last named item may be further subdivided so as to show the amount for each of the several departments of the municipal government. In lieu of printing such information on the tax bill, any municipality may furnish the tabulation required hereunder and any other pertinent information in a statement accompanying the mailing or delivery of the tax bill.

c. The appropriate tax bill or form mailed with the tax bill shall also contain a statement reporting amounts of State aid and assistance received by the municipality, school districts, special districts and county governments used to offset local tax levies. The director shall provide each tax collector with a certification of the amounts of said State aid and assistance for inclusion in the tax bill.

d. The tax bill or form mailed with the tax bill shall include thereon the date upon which each installment is due.

3. R.S.54:4-66 is amended to read as follows:

When taxes payable, delinquent.

54:4-66. Taxes shall be payable and shall be delinquent as hereinafter stated:

a. Taxes shall be payable the first installment as hereinafter provided on February 1, the second installment on May 1, the third installment on August 1 and the fourth installment on November 1, after which dates if unpaid, they shall become delinquent and remain delinquent until such time as all unpaid taxes, including taxes and other liens subsequently due and unpaid, together with interest have been fully paid and satisfied;

b. From and after the respective dates hereinbefore provided for taxes to become delinquent, the taxpayer or property assessed shall be subject to the penalties hereinafter prescribed;

c. In municipalities with a January 1 through December 31 fiscal year, the dates hereinbefore provided for payment of the first and second installments of taxes being before the true amount of the tax will have been determined, the amount to be payable as each of the first two installments shall be one-quarter of the total tax finally levied against the same property or taxpayer for the preceding year or, if directed to do so for the tax year by resolution of the municipal governing body, one-half of the tax levied for the second half of the preceding tax year, as appropriate; and the amount to be payable for the third and fourth installments shall be the full tax as levied for the current year, less the amount charged as the first and second installments; the amount thus

found to be payable as the last two installments shall be divided equally for and as each installment. An appropriate adjustment by way of discount shall be made, if it shall appear that the total of the first and second installments exceeded one-half of the total tax as levied for the year;

d. In municipalities that operate on the State fiscal year, there shall be two annual tax bills delivered and the amounts payable shall be as follows:

(1) In the tax year in which the fiscal year is changed, a tax bill shall be delivered on or before June 14 of the tax year for the third and fourth installments. The amount to be payable for the two installments shall be the full tax levied against the same property or taxpayer for municipal purposes in the preceding tax year, less the amount charged as the first and second installments for municipal purposes for the current calendar year; plus the full tax as levied for the current tax year for county, school and other purposes, excepting municipal purposes, less the amount charged as the first and second installments for county, school and other purposes, excepting municipal purposes; the amount found to be payable shall be divided equally for each installment.

(2) Thereafter, in each tax year a tax bill shall be delivered on or before December 1 of the pre-tax year for the first and second installments of the tax year and on or before June 14 for the third and fourth installments. The amount to be payable for the first two installments shall be the full tax levied for municipal purposes against the property or taxpayer for the current municipal fiscal year less the amount charged for municipal purposes as the third and fourth installments in the preceding tax year, plus one half of the total tax levied against the property or taxpayer for county, school and other purposes, excepting municipal purposes, in the preceding tax year. If, pursuant to an appropriate certification of taxes payable, the total amount to be payable for the first two installments is less than the total obligation for county, school or other purposes for the first and second installments of the tax year, the municipality shall proportionately adjust tax billings in order to meet the obligation. The amount so derived shall be divided equally for each installment. The amount payable for the third and fourth installments shall be the full tax levied against the same property or taxpayer for municipal purposes in the preceding municipal fiscal year, less the amount charged as the first and second installments for municipal purposes for the current calendar year; plus the full tax as levied for the current

tax year for county, school and other purposes, excepting municipal purposes, less the amount charged as the first and second installments for county, school and other purposes, excepting municipal purposes. The amount so derived shall be divided equally for each installment. An appropriate adjustment by way of discount shall be made if it appears that the total of that portion of the first two installments which is taxes for county, school or other purposes, excepting municipal purposes, exceeded one-half of the total tax for those purposes as levied for the tax year;

e. Taxes may be received and credited as payments at any time, even prior to the dates hereinbefore fixed for payment.

4. R.S.54:4-67 is amended to read as follows:

Discount for prepayment; interest for delinquency.

54:4-67. The governing body of each municipality may by resolution fix the rate of discount to be allowed for the payment of taxes or assessments previous to the date on which they would become delinquent. The rate so fixed shall not exceed 6% per annum, shall be allowed only in case of payment on or before the thirtieth day previous to the date on which the taxes or assessments would become delinquent. The governing body may also fix the rate of interest to be charged for the nonpayment of taxes or assessments on or before the date when they would become delinquent, and may provide that no interest shall be charged if payment of any installment is made within the tenth calendar day following the date upon which the same became payable. The rate so fixed shall not exceed 8% per annum on the first \$1,500.00 of the delinquency and 18% per annum on any amount in excess of \$1,500.00, to be calculated from the date the tax was payable until the date that actual payment to the lienholder will be next authorized.

"Delinquency" means the sum of all taxes and municipal charges due on a given parcel of property covering any number of quarters or years. The property shall remain delinquent, as defined herein, until such time as all unpaid taxes, including subsequent taxes and liens, together with interest thereon shall have been fully paid and satisfied. The delinquency shall remain notwithstanding the issuance of a certificate of sale pursuant to R.S.54:5-32 and R.S.54:5-46. The governing body may also fix a penalty to be charged to a taxpayer with a delinquency in excess of \$10,000 who fails to pay that delinquency prior to the end of the fiscal year. If such taxes are fully paid and satisfied by the holder of an outstanding tax sale certificate, the holder shall be entitled to receive the amount of the penalty as part of the

amount required to redeem such certificate of sale. The penalty so fixed shall not exceed 6% of the amount of the delinquency.

5. R.S.54:5-6 is amended to read as follows:

Unpaid taxes a continuous lien; penalties and costs.

54:5-6. Taxes on lands shall be a continuous lien on the land on which they are assessed and all subsequent taxes, interest, penalties and costs of collection which thereafter fall due or accrue shall be added to and be a part of such initial lien.

6. R.S.54:5-11 is amended to read as follows:

Official designated to examine records, certify unpaid municipal liens; immunity.

54:5-11. The governing body of each municipality shall from time to time by resolution, designate an official of the municipality to make examinations of its records as to unpaid municipal liens and to certify the result thereof. The official so designated, and each new incumbent of the office, shall thereafter be vested with the power to make official certificates of searches for municipal liens until a new official has been designated for the purpose, and no other official than the one so designated shall make any such official certificate. No personal liability shall attach or be chargeable to the official so designated.

7. R.S.54:5-29 is amended to read as follows:

Payment of amount due on property prior to tax sale; priority.

54:5-29. At any time before sale the collector shall receive payment of the amount due on any property, with the interest and costs incurred up to the time of payment. When a taxpayer whose property is included in a tax sale shall, prior to the sale, pay the full amount advertised in the sale, plus any interest on any other delinquencies, the tax collector shall then post the receipts, first to the interest, followed by the oldest delinquencies, costs and penalties which action shall then be cause for said property to be removed from the sale.

8. R.S.54:5-54 is amended to read as follows:

Right of redemption by owner or person having interest.

54:5-54. Except as hereinafter provided, the owner, his heirs, holder of a prior outstanding tax lien certificate, mortgagee, or occupant of land sold for municipal taxes or other municipal charges,

may redeem it at any time until the right to redeem has been cut off in the manner in this chapter set forth, by paying to the collector, or to the collector of delinquent taxes on lands of the municipality where the land is situate, for the use of the purchaser, his heirs or assigns, the amount required for redemption as hereinafter set forth.

9. R.S.54:5-61 is amended to read as follows:

Holder of tax title entitled to expenses; limitation.

54:5-61. The holder of the tax title, upon compliance with the provisions of R.S.54:5-62, shall be entitled for his expenses, to such sums as he may have actually paid out for recording fees, fees for services of notices necessarily and actually served, and fees and expenses in ascertaining the persons interested in the premises sold, but such fees and expenses shall not exceed in all the sum of twelve dollars, besides the fees actually paid for recording the certificate and fees actually paid for necessary advertising in a newspaper under this chapter. Such fees and expenses shall be separate, apart from and in addition to those fees permitted under section 7 of P.L.1965, c.187 (C.54:5-97.1) and R.S.54:5-98. Upon redemption in accordance with R.S.54:5-58, R.S.54:5-59 and R.S.54:5-60 the holder of the tax title shall be entitled to collect from the owner or other persons having a right of redemption pursuant to R.S.54:5-54, additional sums in accordance with the following schedule: When the tax title certificate amount shall exceed the sum of two hundred dollars, the holder, upon redemption of the tax title shall be entitled to collect from the owner or other person having an interest in the lands an additional sum equal to two per cent of the amount so paid for the tax title certificate.

When the tax title certificate amount shall exceed the sum of \$5,000, such additional sum shall be equal to 4% of such amount paid; and when the tax title certificate amount exceeds \$10,000, such additional sum shall be equal to 6% of such amount paid. This section shall also apply to all existing tax title certificates held by municipalities on the effective date of P.L.1991, c.75.

10. R.S.54:5-77 is amended to read as follows;

Municipal action to bar redemption.

54:5-77. a. (Deleted by amendment, P.L.1994, c.32.)

b. Any municipality which holds the tax title may at any time file an action with the Superior Court in the county wherein said municipality is situate, demanding that the right of redemption on such land be barred. Such action shall be heard in a summary manner,

and the court shall grant a judgment barring the right of redemption if it finds that the land or any improvement thereon is hazardous to the public health, safety and welfare, or unfit for human habitation; any judgment rendered pursuant to such summary proceeding shall be subject to the appropriate provisions of R.S.54:5-54, except that in the case of an unknown owner or unknown claimant, the equity of redemption shall be barred pursuant to the provisions contained in R.S.54:5-90. Notice and service of process shall be made pursuant to the Rules Governing the Courts of the State of New Jersey. It shall be an absolute defense to the action that the owner, mortgagee, or other person having an interest therein has abated, removed, or corrected the condition or conditions which cause the improvement to be hazardous to the public health, safety and welfare, or unfit for human habitation, or has deposited with the court (1) the amount of money required, as determined by the court, to abate, remove or correct the condition or conditions, or (2) a performance bond in double the amount thereof. Thereupon, the owner, mortgagee, or other person having an interest in said land, shall proceed to abate, remove or correct said condition or conditions within such time as the court shall deem reasonable under the circumstances. Moneys deposited with the court may, in the court's discretion, be used to abate, remove or correct the condition or conditions involved, or may be paid to the depositor or such other persons, as the court determines, who have abated, removed or corrected such condition or conditions. The amount of any performance guarantee deposited with the court may be proportionately reduced by the court as portions of the work are completed.

11. R.S.54:5-87 is amended to read as follows:

Jurisdiction of court; effect of judgment.

54:5-87. The Superior Court, in an action to foreclose the right of redemption, may give full and complete relief under this chapter, in accordance with other statutory authority of the court, to bar the right of redemption and to foreclose all prior or subsequent alienations and descents of the lands and encumbrances thereon, except subsequent municipal liens, and to adjudge an absolute and indefeasible estate of inheritance in fee simple, to be vested in the purchaser. The judgment shall be final upon the defendants, their heirs, devisees and personal representatives, and their or any of their heirs, devisees, executors, administrators, grantees, assigns or successors in right, title or interest and no application shall be entertained to reopen the judgment after three

months from the date thereof, and then only upon the grounds of lack of jurisdiction or fraud in the conduct of the suit. Such judgment and recording thereof shall not be deemed a sale, transfer, or conveyance of title or interest to the subject property under the provisions of the "Uniform Fraudulent Transfer Act," R.S.25:2-20 et seq.

12. R.S.54:5-91 is amended to read as follows:

Unknown owner, claimant defined.

54:5-91. Any person whose interest in the lands cannot, in the exercise of reasonable diligence, be ascertained from the search of the title of the premises described in the certificate of sale, made of the indexes in the office of the surrogate and county clerk or register of deeds and mortgages in the county in which the lands are situate, and in the office of the Secretary of State, extending back sixty years next preceding the date of the sale, shall be deemed to be included in the term "unknown owner" or "unknown claimant."

13. Section 7 of P.L.1965, c.187 (C.54:5-97.1) is amended to read as follows:

C.54:5-97.1 Fees allowed.

7. No search fee, counsel fee or other fee related to certified mailings shall be allowed a plaintiff other than a municipality in the foreclosure of a tax lien unless, prior to the filing of the complaint, the plaintiff shall have given 30 days' written notice to the parties entitled to redeem whose interests appear of record at the time of the tax sale, by certified mail with postage prepaid thereon, addressed to the last known address of such persons, of intention to file such complaint. The notice shall also contain the amount due on such tax lien as of the date of the notice. A copy of such notice shall also be filed with the municipal tax collector's office. Upon the filing and service of such notice, a plaintiff shall be entitled to such fees and expenses.

14. R.S.54:5-104 is amended to read as follows:

Judgment bars redemption only in lands described therein.

54:5-104. When in a judgment in an action to foreclose the right of redemption, the lands are described in a manner other than that contained in the certificate of tax sale, the judgment shall bar the defendant's right of redemption in and to all the lands described in the judgment, and that property only. Such judgment and recording thereof shall not be deemed a sale, transfer, or convey-

ance of title or interest to the subject property under the provisions of the "Uniform Fraudulent Transfer Act," R.S.25:2-20 et seq.

15. Section 4 of P.L.1948, c.96 (C.54:5-104.32) is amended to read as follows:

C.54:5-104.32 In rem proceedings.

4. Any municipality may proceed, In Rem, pursuant to the provisions of this act, similarly to bar rights of redemption, after said certificate has been recorded in the office of the county recording officer. Neither the foreclosure nor the recording of any such judgment or certificate shall be construed to be a sale, transfer or conveyance of title or interest to the subject property under the provisions of the "Uniform Fraudulent Transfer Act," R.S.25:2-20 et seq.

16. Section 37 of P.L.1948, c.96 (C.54:5-104.65) is amended to read as follows:

C.54:5-104.65 Effect of recording judgment.

37. Upon the recording of a certified copy of such judgment in the office of the county recording officer, the plaintiff shall be seized of an estate in fee simple, in the lands described therein, absolute and free and clear of all liens and encumbrances, in accordance with the terms of said judgment. Neither the foreclosure nor the recording of any such judgment or certificate shall be construed to be a sale, transfer or conveyance of title or interest to the subject property under the provisions of the "Uniform Fraudulent Transfer Act," R.S.25:2-20 et seq.

Repealer.

17. R.S.54:5-78 and R.S.54:5-80 are repealed in their entirety.

18. This act shall take effect immediately.

Approved May 12, 1994.

CHAPTER 33

AN ACT concerning the designation of llamas as agricultural livestock and supplementing Title 4 of the Revised Statutes.

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

C.4:2-16 Llama designated as agricultural livestock.

1. Notwithstanding any law, rule or regulation to the contrary, the llama, Lama glama, or any other species of the genus Lama capable of being raised, bred, or kept in the State, shall be designated as agricultural livestock and shall be subject to the laws, rules and regulations governing the importation, care and breeding of that type of animal in the State. Nothing in this section or in any other law, rule or regulation, including the "Endangered and Nongame Species Conservation Act," P.L.1973, c.309 (C.23:2A-1 et seq.), shall be construed to classify llamas as exotic animals or wildlife.

2. The Secretary of Agriculture may adopt rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), in order to effectuate the purposes of this act.

3. This act shall take effect on the 60th day following enactment.

Approved May 26, 1994.

CHAPTER 34

AN ACT concerning the payment of health benefit premiums for certain local government retirees.

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

C.40A:10-23.3 Payment of health benefit premiums for certain local government retirees.

1. Notwithstanding the provisions of N.J.S.40A:10-23 to the contrary, an employer which pays the premiums for health benefits for retirees pursuant to that section and which has adopted or adopts an early retirement incentive program pursuant to P.L.1993, c.99, P.L.1993, c.138, or P.L.1993, c.181 may, by adoption of a resolution by its governing body and filing a certified copy of the resolution with the Director of the Division of

Pensions and Benefits or by inclusion of appropriate language in its resolution adopting the early retirement incentive program, elect to pay the premium for a retiree under that program who retires on the basis of 25 years or more of service credit in a State or locally administered retirement system, including any additional service credit provided under the early retirement incentive program, and a period of service from 0 to 15 years with the employer at the time of retirement, such period to be determined by the employer and included in its resolution.

2. This act shall take effect immediately.

Approved May 26, 1994.

CHAPTER 35

AN ACT concerning the Department of Health and amending P.L.1947, c.177.

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

1. Section 3 of P.L.1947, c.177 (C.26:1A-3) is amended to read as follows:

C.26:1A-3 State Commissioner of Health; Deputy Commissioner for Public Health Services.

3. a. The head and chief administrative officer of the department shall be the State Commissioner of Health, who shall be appointed by the Governor, with the advice and consent of the Senate, and shall serve at the pleasure of the Governor during the Governor's term of office and until the appointment and qualification of the commissioner's successor. The commissioner shall be a person with recognized professional, executive or administrative experience in any capacity in which he has demonstrated a substantial knowledge of the activities of the department and the principal public health policy issues affecting the State.

The commissioner shall devote his entire time and attention to the duties of the office and shall receive such salary as shall be provided by law.

b. The commissioner shall delegate such of his powers as the commissioner deems appropriate for the efficient administration of the department, to be exercised under the commissioner's direction and supervision by one or more deputy commissioners, one of whom shall be the Deputy Commissioner for Public Health Services. If the commissioner is not a duly licensed physician and a graduate of a regularly chartered and legally constituted medical school or college, then the Deputy Commissioner for Public Health Services shall be a duly licensed physician and a graduate of a regularly chartered and legally constituted medical school or college, with skill in sanitary science, who, in addition to his other duties, shall advise the commissioner on medical issues. The Deputy Commissioner for Public Health Services shall fulfill the duties of the office of commissioner in the event of a vacancy in that office, until the Governor appoints a successor to the commissioner.

The deputy commissioner shall devote his entire time and attention to the duties of that office and shall receive such salary as the commissioner deems appropriate.

2. This act shall take effect immediately.

Approved May 26, 1994.

CHAPTER 36

AN ACT expanding eligibility for the New Jersey Distinguished Service Medal and amending N.J.S.38A:15-2.

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

1. N.J.S.38A:15-2 is amended to read as follows:

Distinguished service medals.

38A:15-2. The Governor may present in the name of the State of New Jersey a distinguished service medal of appropriate design, and ribbon to be worn in lieu thereof, to:

a. any member of the organized militia who, while serving in any capacity in the organized militia under orders of the Governor, or while

in federal service, shall have been distinguished by especially meritorious service and who has been or may be cited in orders for distinguished service by the Governor or by appropriate federal authority;

b. any resident of the State of New Jersey, who while serving in the organized militia or in federal military service on active duty in time of war or emergency, shall have been distinguished by especially meritorious service and who has been or may be cited in orders for distinguished service by the Governor or by appropriate federal authority; or

c. any deceased person who, on the date of induction into the organized militia or federal military service, was a resident of this State and who, while serving in the organized militia or in federal military service on active duty in time of war or emergency, shall have been distinguished by especially meritorious service and who has been or may be cited in orders for distinguished service by the Governor or appropriate federal authority. The service medal for a deceased person shall be issued to the surviving parent, spouse, sibling or other relative who submits all of the required forms and documentation on behalf of that person.

2. This act shall take effect immediately.

Approved May 26, 1994.

CHAPTER 37

AN ACT appropriating \$17,655,000 from the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P.L.1992, c.88, to provide loans or grants, or both, to assist local government units to acquire and develop lands for recreation and conservation purposes.

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

1. a. There is appropriated to the Department of Environmental Protection from the "1992 New Jersey Green Trust Fund" established pursuant to section 22 of the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P.L.1992, c.88, the sum of \$17,655,000 to provide loans or grants, or both, to assist local government units to acquire and develop lands for rec-

reation and conservation purposes, which sums shall include administrative costs. The following projects are eligible for funding with the moneys appropriated pursuant to this section:

<u>Local</u>			<u>Approved</u>
<u>Government Unit</u>	<u>County</u>	<u>Project</u>	<u>Amount</u>
Bergen County	Bergen	Darlington Hist. Park Acq.	\$500,000
Bergen County	Bergen	Borg's Woods Acq.	\$1,200,000
Closter Boro	Bergen	Closter Park Acq.	\$75,000
Englewood City	Bergen	Garrity Field Lighting Dev.	\$50,000
Little Ferry Boro	Bergen	Indian Lake Pk. Dev.	\$150,000
Little Ferry Boro	Bergen	Wetlands Acq.	\$410,000
Paramus Boro	Bergen	Wetlands Acq.	\$1,200,000
Rockleigh Boro	Bergen	Camp Alpine Acq.	\$2,000,000
Tenafly Boro	Bergen	Engle Street Park Acq.	\$1,300,000
Wood-Ridge Boro	Bergen	Curtiss Wright Acq.	\$2,000,000
Readington Twp.	Hunterdon	Rockaway Crk. Corridor Acq.	\$235,000
Readington Twp.	Hunterdon	Readington Rec. Area Acq.	\$750,000
Morris County	Morris	Patriots Path Acq.	\$500,000
Morris County	Morris	Loantaka Brook Res. 3 Acq.	\$2,700,000
Parsippany- Troy Hills Twp.	Morris	Cameron Tract Acq.	\$1,000,000
Roxbury Twp.	Morris	Horseshoe Lake Dev.	\$150,000
Clifton City	Passaic	Garret Mt. Acq.	\$910,000
Bedminster Twp.	Somerset	River Road Park Dev.	\$150,000
Bernards Twp.	Somerset	War Memorial/Looock Dev.	\$150,000
Montgomery Twp.	Somerset	Municipal Ballfield Dev.	\$150,000
Montgomery Twp.	Somerset	Open Space Acq.	\$900,000
Watchung Boro	Somerset	Watchung Lake Dev.	\$500,000
Frankford Twp.	Sussex	Frankford Rec. 2 Dev.	\$75,000
Fredon Twp.	Sussex	Lodestar Park 2 Dev.	\$150,000
Vernon Twp.	Sussex	Glenwood Mountain Dev.	\$150,000
Knowlton Twp.	Warren	Knowlton Park 2 Dev.	\$150,000
Liberty Twp.	Warren	Kenny Sports Complex 3 Dev.	\$150,000

b. Any transfer of any funds or project sponsor, or change in project site, listed in subsection a. of this section shall require the approval of the Joint Budget Oversight Committee or its successor.

c. To the extent that moneys remain available after the projects listed in subsection a. of this section are offered funding pursuant thereto, the local government unit projects listed in P.L.1984, c.224, P.L.1985, c.479, P.L.1986, c.208, P.L.1988, c.23, P.L.1989, c.194, P.L.1991, c.13, P.L.1991, c.14, P.L.1991, c.15, P.L.1991, c.16, P.L.1991, c.522, P.L.1993, c.200, P.L.1993, c.201, P.L.1993, c.266, P.L.1993, c.267, section 1 of P.L. 1994, c.51, section 1 of P.L.1994, c.45, and section 1 of P.L.1994, c.52, shall be eligible for funding, including administrative costs, in a sequence consistent with the priority

system established by the Department of Environmental Protection, and shall require the approval of the Joint Budget Oversight Committee or its successor.

2. Pursuant to the provisions of subsection c. of section 7 of the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P.L.1992, c.88, all loans made to local government units with moneys appropriated from the "1992 New Jersey Green Trust Fund" pursuant to this act shall bear interest of not more than 2% per year and shall be for a term of not more than 20 years. All principal and interest payments repaid by the local government units shall be deposited into the "1992 New Jersey Green Trust Fund" in accordance with the terms of a written loan agreement. The terms of the loan agreement shall be completed and executed on a form approved by the State Treasurer or his designee.

3. The expenditure of the sums appropriated by this act is subject to the provisions and conditions of P.L.1992, c.88.

4. This act shall take effect immediately.

Approved June 9, 1994.

CHAPTER 38

AN ACT appropriating \$16,217,675 from the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P.L.1992, c.88, to provide matching grants to assist qualifying tax exempt nonprofit organizations to acquire lands for recreation and conservation purposes.

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

1. a. There is appropriated to the Department of Environmental Protection from the "1992 New Jersey Green Trust Fund" established pursuant to section 22 of the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P.L.1992, c.88, the sum of \$16,217,675 to provide matching grants to assist

qualifying tax exempt nonprofit organizations to acquire lands for recreation and conservation purposes, which sum shall include administrative costs. The following projects are eligible for funding with the moneys appropriated pursuant to this section:

<u>Nonprofit Organization</u>	<u>Project Name</u>	<u>County</u>	<u>Approved Amount</u>
The Nature Conservancy	Atlantic Goose Ponds	Atlantic	\$150,000
South Jersey Land Trust	Nacote Creek Preservation	Atlantic	\$355,500
Passaic River Coalition	Riverside Park	Bergen	\$427,900
Passaic River Coalition	Riverbank Preservation	Bergen	\$ 76,800
S.T.E.M. Save The Environment of Moorestown	Traganza Property	Burlington	\$ 17,225
Philadelphia Herpetolog- ical Society	Herpetological Preserve	Burlington	\$ 50,000
The Nature Conservancy	Delaware Bayshore	Cumberland	\$500,000
The Nature Conservancy	Manumuskin River Preserve Additions	Cumberland	\$500,000
The Montclair Foundation	Montclair Gardens	Essex	\$500,000
Delaware Valley Con- cerned Citizens Presv. Inc.	Gellenthin Meadowlands	Gloucester	\$303,500
South Jersey Land Trust	Malaga Lake Area Preservation	Gloucester	\$221,000
New Jersey Conservation Foundation	Phillips Bluff	Hudson	\$400,000
Delaware and Raritan Greenway, Inc.	Northern Stony Brook Greenway	Hunterdon/ Mercer	\$500,000
Delaware and Raritan Greenway, Inc.	Cradle Rock Preservation	Mercer	\$500,000
Delaware and Raritan Greenway, Inc.	Central Stony Brook Greenway	Mercer	\$500,000
Friends of Hopewell Valley Open Space	Hopewell Valley Park	Mercer	\$500,000
Isles, Inc.	Urban Park	Mercer	\$ 40,000
New Jersey Conservation Foundation	Mountain Lakes Trail	Mercer	\$500,000
Friends of Princeton Open Space	Tusculum Conservation Additions	Mercer	\$300,000
Delaware and Raritan Greenway, Inc.	Stony Brook Greenway	Mercer	\$500,000
Stony Brook-Millstone Watershed Association	Stony Brook Watershed Addition	Mercer	\$500,000
Friends of Monmouth Battlefield	Monmouth Battlefield Addition	Monmouth	\$500,000
Monmouth Conservation Foundation	Holmdel Park Addition	Monmouth	\$200,000
Harding Land Trust	Silver Brook/Pine Brook Greenway	Morris	\$500,000

Passaic River Coalition	Passaic River Basin	Morris	\$500,000
Upper Rockaway River Watershed Association	Pyramid Mountain Additions	Morris	\$500,000
Conservation Fund	Farny/ Copperas Ridge	Morris	\$500,000
Conservation Fund	Farny Highlands	Morris	\$500,000
Barnegat Bay Decoy and Baymen's Museum, Inc.	Barnegat Baymens Interpretive Park	Ocean	\$265,750
Trust For Public Land	Forked River Corridor Protection	Ocean	\$415,000
New Jersey Conservation Foundation	Forked River Mountain Preservation	Ocean	\$500,000
Izaak Walton League	Riverside Woods	Ocean	\$170,000
The Nature Conservancy	Forked River Mountain Preservation	Ocean	\$500,000
Trust for Public Land	Tilton Point Natural Area	Ocean	\$500,000
New Jersey Conservation Foundation	Wyanoke Highlands	Passaic	\$500,000
New Jersey Conservation Foundation	Highlands Preservation	Passaic/ Sussex	\$500,000
Nanticoke Lenni-Lenape Indians	Nanticoke Lenni-Lenape Cultural/ Heritage Reserve	Salem	\$500,000
Rolling Hills Girl Scout Council	Rolling Hills Scout Camp	Somerset	\$325,000
Delaware and Raritan Greenway, Inc.	Griggstown/ Canal Park	Somerset	\$500,000
The Nature Conservancy	Johnsonburg Wetlands Preservation	Warren	\$500,000
Phillipsburg Riverview Organization	Delaware Greenway	Warren	\$500,000

b. Any transfer of any funds or project sponsor, or change in project site, listed in this section shall require the approval of the Joint Budget Oversight Committee or its successor.

2. To the extent that moneys remain available after the projects listed in section 1 of this act are offered funding or additional funding pursuant thereto, the projects of qualifying tax exempt nonprofit organizations listed in paragraph (3) of subsection a. of section 1 of P.L.1991, c.522, shall be eligible for funding, including administrative costs, in a sequence consistent with the priority system established by the Department of Environmental Protection, and shall require the approval of the Joint Budget Oversight Committee or its successor.

3. The expenditure of the sums appropriated by this act is subject to the provisions and conditions of P.L.1992, c.88.

4. This act shall take effect immediately.

Approved June 9, 1994.

CHAPTER 39

AN ACT concerning free balances in public schools and amending
P.L.1993, c.80.

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

1. Section 3 of P.L.1993, c.80 (C.18A:7D-27.1) is amended to read as follows:

C.18A:7D-27.1 Appropriation of general fund excess free balances.

3. a. If the amount of the budgeted general fund for the pre-budget year is \$100 million or less, a general fund free balance in excess of 7.5% of that amount or \$75,000, whichever is greater, shall be appropriated by a school district for the purpose of the budget prepared pursuant to section 22 of P.L.1990, c.52 (C.18A:7D-27). If the amount of the budgeted general fund for the prebudget year exceeds \$100 million, a general fund free balance in excess of 7.5% of the first \$100 million and in excess of 3% of the amount which exceeds \$100 million shall be appropriated by a school district for the purpose of the budget prepared pursuant to section 22 of P.L.1990, c.52 (C.18A:7D-27).

b. If the appropriation of excess free balances pursuant to subsection a. of this section will create a hardship for the district in the 1993-94 school year, the district may apply to the county superintendent and receive approval of a schedule for the appropriation of the free balances that will enable the district to meet this requirement no later than the beginning of the 1996-97 school year. The schedule may include approval to transfer the general fund free balance to the capital reserve account established pursuant to N.J.S.18A:21-3.

c. If the appropriation of excess free balances pursuant to subsection a. of this section will create a hardship for the district in a school year subsequent to 1993-94, the district may transfer the

general fund free balance to the capital reserve account established pursuant to N.J.S.18A:21-3.

2. This act shall take effect immediately.

Approved June 21, 1994.

CHAPTER 40

AN ACT concerning enrollment in the State Health Benefits Program and amending P.L.1961, c.49.

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

1. Section 7 of P.L.1961, c.49 (C.52:14-17.31) is amended to read as follows:

C.52:14-17.31 Effective date of coverage; rules and regulations; furnishing of information to Division of Pensions.

7. The coverage provided solely for employees shall, subject to the provisions below, automatically become effective for all eligible employees from the first day on or after the effective date of the program on which they satisfy the definition of "employee" contained in this act. The commission shall establish such rules and regulations governing the enrollment and effective dates of coverage of dependents of employees as it deems are necessary or desirable. Such rules and regulations shall not defer the insurance with respect to any qualified dependent an employee has on the date the employee's employer becomes a participating employer, provided the employee was, immediately prior to said date, insured with respect to such dependent under a group major medical insurance plan of such employer which was in effect immediately prior to said date. Under the rules and regulations established by the commission, each employee shall be given the opportunity to enroll for coverage for his dependents as of the earliest date he becomes eligible for such enrollment. An employee may elect to enroll his dependents for both basic coverage and major medical expense coverage but may not enroll for either coverage alone.

If, on the date coverage for an employee would become effective, he is not actively at work on full time at his customary place of employment or other location to which his employment requires him to travel, he shall not be covered until he is so actively at work, except such employee shall be covered, if on the date the employee's employer becomes a participating employer, said employee was, immediately prior to said date, insured under a group major medical insurance plan of such employer which was in effect immediately prior to said date.

In the event that the group major medical plan which covered an employee or his dependents immediately prior to the date the employee's employer becomes a participating employer provides, after termination of coverage thereunder, any continuation of benefits for medical expenses for hospitalization, surgery, medical treatment or any related service or supply, or would so provide in the absence of coverage pursuant to this act, no coverage shall be afforded pursuant to this act for any such expenses (i) which are covered, or which would be covered in the absence of coverage pursuant to this act, in whole or in part, by such prior insurance plan or (ii) which may be used in satisfaction of any deductible requirement under such prior insurance plan to establish entitlement to such continuation of benefits.

Each employee shall furnish the Division of Pensions, in such form as is prescribed, such information as is necessary on account of his own coverage and as necessary to enroll his dependents. Any employee not desiring coverage at the time he first becomes eligible, shall give the division written notice of that fact in such form as the division may prescribe. Such employee may not enroll thereafter except at such times and under such conditions as the commission may prescribe.

If an employee of an employer other than the State eligible for coverage has a spouse who is also an employee of an employer other than the State eligible for coverage, the spouse may elect single coverage as an employee and to enroll as a dependent, in which event no coverage shall be provided for such spouse as an employee while covered as a dependent. The employee of an employer other than the State, who has enrolled such spouse, and who is required to pay the full cost of dependent coverage, may receive a refund from the State Division of Pensions equivalent in amount to the employer's cost for an employee's coverage. When both husband and wife are covered as employees, only one may enroll for their children as dependents.

A similar refund shall be authorized pursuant to such rules and regulations as the commission deems necessary or desirable in the

case of an employee of an employer other than the State who is paying the full cost of dependent coverage for a spouse who is an employee of the State and eligible for coverage.

Any person employed as a substitute teacher by a school district and who provides evidence of coverage under another health benefits program may waive coverage for the current school year on or after the date on which the person becomes an employee eligible for coverage.

2. This act shall take immediately.

Approved June 21, 1994.

CHAPTER 41

AN ACT permanently designating May 15th as "Senior Citizen's Day" in New Jersey.

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

1. The Legislature finds and declares that:
 - a. It is desirable to increase the State's awareness of the accomplishments and experiences of the senior citizen population;
 - b. Senior citizens 65 years of age and older are an increasing segment of the population, currently comprising 12% of the nation's population, and 13% of New Jersey's population; and
 - c. Senior citizens deserve a day of recognition to honor their numerous contributions to society, their survival through war-times, and their endurance of many hardships.

C.36:2-33 "Senior Citizen's Day" designated.

2. May 15th is permanently designated "Senior Citizen's Day" in New Jersey.

3. This act shall take effect immediately.

Approved June 21, 1994.

CHAPTER 42

AN ACT concerning certain motor vehicle leases and amending P.L.1993. c.328.

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

1. Section 8 of P.L.1993, c.328 is amended to read as follows:
8. This act shall take effect on January 1, 1995.
2. This act shall take effect immediately and shall be retroactive to December 23, 1993.

Approved June 21, 1994.

CHAPTER 43

AN ACT concerning the practice of public accounting and amending P.L.1977, c.144.

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

1. Section 3 of P.L.1977, c.144 (C.45:2B-3) is amended to read as follows:

C.45:2B-3 Definitions.

3. Definitions. As used in this act:

“Board” means the New Jersey State Board of Accountancy.

“Firm” means any organization, other than a sole proprietorship, not prohibited by law from engaging in this State in the practice of public accounting, including, but not limited to, professional corporations, partnerships, including limited liability partnerships, and limited liability companies.

“Owner” means any person with an equity or equivalent interest in the firm, such as a shareholder with respect to a corporation or a partner with respect to a partnership.

“State” includes any state, territory or insular possession of the United States or the District of Columbia.

2. Section 14 of P.L.1977, c.144 (C.45:2B-14) is amended to read as follows:

C.45:2B-14 Registration of certified public accounting firms.

14. Registration of certified public accounting firms.

A firm engaged in this State in the practice of public accounting shall register with the board as a firm of certified public accountants provided it meets the following requirements:

- a. At least one owner of the firm shall be a certified public accountant of this State in good standing;
- b. Each owner of the firm shall be a certified public accountant of some state in good standing; and
- c. Each resident manager in charge of an office of the firm in this State and each owner thereof personally engaged within this State in the practice of public accounting as an owner thereof shall be a certified public accountant of this State in good standing.

Application for registration shall be made upon the affidavit of an owner of the firm who is a certified public accountant of this State in good standing. The board shall in each case determine whether the applicant is eligible for registration. A firm which is so registered may use the words "certified public accountants" or the abbreviation "CPAs" in connection with its firm name. Notification shall be given the board within 90 days after the admission to or withdrawal of an owner from any firm so registered.

3. Section 15 of P.L.1977, c.144 (C.45:2B-15) is amended to read as follows:

C.45:2B-15 Registration of public accounting firms.

15. Registration of public accounting firms. Unless registered pursuant to section 14 of P.L.1977, c.144 (C.45:2B-14), a firm engaged in this State in the practice of public accounting shall register with the board as a firm of public accountants provided it meets the following requirements:

- a. Each owner of the firm engaged in the practice of public accounting as an owner thereof shall be a certified public accountant or a public accountant of this State in good standing; and
- b. Each resident manager in charge of an office of the firm in this State shall be a certified public accountant or a public accountant of this State in good standing.

Application for registration shall be made upon the affidavit of an owner of the firm who holds a permit to practice in this State as a certified public accountant or as a public accountant. The board

shall in each case determine whether the applicant is eligible for registration. A firm which is so registered may use the words "public accountants" in connection with its firm name. Notification shall be given the board within 90 days after the admission to or withdrawal of an owner from any firm so registered.

4. Section 16 of P.L.1977, c.144 (C.45:2B-16) is amended to read as follows:

C.45:2B-16 Offices; registration.

16. Offices; registration. Each office established or maintained in this State for the practice of public accounting in this State by a certified public accountant, a firm of certified public accountants, a public accountant, or a firm of public accountants shall be registered biennially with the board. Each such office shall be under the direct supervision of a resident manager who may be a sole proprietor, an owner or a staff employee registered under this act.

5. Section 17 of P.L.1977, c.144 (C.45:2B-17) is amended to read as follows:

C.45:2B-17 Biennial registration.

17. Biennial registration. Every person or firm certified or registered to practice certified public accounting or public accounting within this State shall biennially register with and pay to the board a biennial registration fee.

Notice of the failure to pay such biennial registration fee shall be given to the person or firm so failing, which notice shall state that, upon the continued failure to pay such fee, the certificate or registration issued to such person or firm will be declared forfeited by the board at the time and place stated therein unless such fee is sooner paid. The board may make rules and regulations regarding the reissuance of a certificate or registration to any person or firm whose certificate or registration has been forfeited under this section and fixing the fee to be paid for same.

Unless he has given notice thereof in some previous application to the board, an individual paying his biennial registration fee, in addition to any other information which the board may require, shall state in his application whether any certificate as a certified public accountant or any charter as a chartered accountant or any license to practice or registration or enrollment as a public accountant ever issued to or made for him by any state or political subdivision of the United States or by any foreign country or political subdivision of

the United States or by an accounting society of a foreign country has been revoked or suspended, and, if so, such facts relating to such revocation or suspension as the board may require.

No certified public accountant or public accountant of this State, who has not registered pursuant to the requirements of this section for a particular biennial registration period, shall, during such period, hold himself out to be engaged in practice as a certified public accountant or public accountant within this State, or use in connection with his name any title or designation tending to imply that he is engaged in practice as a certified public accountant or public accountant within this State.

6. Section 19 of P.L.1977, c.144 (C.45:2B-19) is amended to read as follows:

C.45:2B-19 Revocation or suspension of firm registration.

19. Revocation or suspension of firm registration. After notice and hearing, the board may revoke the registration and permit to practice of a firm if at any time it does not have all the qualifications prescribed by the section of this act under which it qualified for registration, including:

- a. The revocation or suspension of the certificate or registration to practice of any owner of the firm; or
- b. The revocation or suspension of the authority of the firm, or any owner thereof, to practice public accounting in any other state for any cause other than failure to pay an annual or biennial registration fee in such other state.

7. Section 23 of P.L.1977, c.144 (C.45:2B-23) is amended to read as follows:

C.45:2B-23 Acts declared unlawful.

23. Acts declared unlawful. a. No person shall assume or use the title or designation "certified public accountant" or the abbreviation "CPA" or any other title, designation, words, letters, abbreviation, sign, card or device tending to indicate that such person is a certified public accountant, unless such person holds a current certificate as a certified public accountant under this act provided, however that a foreign accountant who holds a current registration under this act may use the title under which he is generally known in his country, followed by the name of the country from which he received his certificate, license or degree.

b. No firm shall assume or use the title or designation "certified public accountant" or the abbreviation "CPA" or any other

title, designation, words, letters, abbreviation, sign, card or device tending to indicate that such firm is composed of certified public accountants unless such firm is currently registered as a firm of certified public accountants under this act.

c. No person shall assume or use the title or designation "public accountant" or any other title, designation, words, letters, abbreviation, sign, card or device tending to indicate that such person is a public accountant, unless such person is registered as a public accountant or holds a current certificate as a certified public accountant under this act.

d. No firm shall assume or use the title or designation "public accountant" or any other title, designation, words, letters, abbreviation, sign, card or device tending to indicate that such firm is composed of public accountants, unless such firm is currently registered as a firm of public accountants or as a firm of certified public accountants under this act.

e. No person or firm shall assume or use the title or designation "certified accountant," "chartered accountant," "enrolled accountant," "licensed accountant," "registered accountant" or any other title or designation likely to be confused with "certified public accountant" or "public accountant," or any of the abbreviations "CA," "PA," "EA," "RA," "LPA," "LA" or similar abbreviations likely to be confused with "CPA"; provided, however, that anyone who holds a current certificate or registration under this act may hold himself out to the public as an "accountant" or "auditor".

f. No person shall sign or affix his name or any trade or assumed name used by him in his profession or business with any wording indicating that he is an accountant or auditor, or with any wording indicating that he has expert knowledge in accounting or auditing, to any opinion or certificate attesting in any way to the reliability of any representation or estimate in regard to any person or organization embracing (1) financial information or (2) facts respecting compliance with conditions established by law or contract, including but not limited to statutes, ordinances, regulations, grants, loans and appropriations, unless he holds a current certificate or registration under this act; provided, however, that the provisions of this subsection shall not prohibit any officer, employee, partner or principal of any organization from affixing his signature to any statement or report in reference to the affairs of said organization with any wording designating the position, title or office which he holds in said organization, nor shall the provisions of this subsection prohibit any act of a public official or public employee in the performance of his duties as such.

g. No person shall sign or affix a firm name with any wording indicating that it is a firm composed of accountants or auditors or persons having expert knowledge in accounting or auditing, to any opinion or certificate attesting in any way to the reliability of any representation or estimate in regard to any person or organization embracing (1) financial information or (2) facts respecting compliance with conditions established by law or contract, including but not limited to statutes, ordinances, regulations, grants, loans and appropriations, unless the firm holds a current certificate or registration issued under this act.

h. No person or firm not currently certified or registered under this act shall hold himself or itself out to the public as an "accountant" or "auditor" by use of either or both of such words on any sign, card, letterhead or in any advertisement or directory, without clearly indicating thereon or therein that such person or firm does not currently hold such certificate or registration; provided, that this subsection shall not prohibit any officer, employee, partner or principal of any organization from describing himself by the position, title or office he holds in such organization; nor shall this subsection prohibit any act of public official or public employee in the performance of his duties as such.

i. No person shall assume or use the title or designation "certified public accountant" or "public accountant" in conjunction with names indicating or implying that there is a firm, or in conjunction with the designation "and Company" or "and Co." or a similar designation if, in any such case, there is in fact no bona fide firm registered under this act. A practitioner shall not practice in the name of another unless he is in partnership with him or in his employ, nor shall he allow any person to practice in his name who is not in partnership with him or in his employ. This provision shall not prevent a firm or its successors from continuing to practice under a firm name which consists of or includes the name or names of one or more former owners, nor shall it prevent the continuation of a firm name for a reasonable period of time by the remaining owner practicing as sole proprietor after the withdrawal or death of one or more owners.

8. Section 24 of P.L.1977, c.144 (C.45:2B-24) is amended to read as follows:

C.45:2B-24 Exceptions, acts not prohibited.

24. Exceptions, acts not prohibited. a. Nothing contained in this act shall prohibit any person not a certified public accountant or public accountant from serving as an employee of, or an assis-

tant to, a certified public accountant or public accountant or firm composed of certified public accountants or public accountants holding a current certification or registration under this act; provided that such employee or assistant shall not issue any accounting or financial statement over his name.

b. Except as otherwise provided in this act, nothing contained in this act shall affect the practice as a "registered municipal accountant" or "public school accountant."

9. This act shall take effect immediately.

Approved June 21, 1994.

CHAPTER 44

AN ACT designating the first Thursday in May each year as "A Day of Prayer in New Jersey."

WHEREAS, Civic prayers and national days of prayer have a long and venerable history in our constitutional republic, dating back to the First Continental Congress in 1775; and

WHEREAS, The Declaration of Independence, our first statement as Americans of national purpose and identity, made "the Laws of Nature and of Nature's God" the foundation of our United States of America and asserted that people have inalienable rights that are God-given; and

WHEREAS, The Supreme Court has affirmed the right of state legislatures to open their sessions with prayer and the Supreme Court and the U. S. Congress themselves begin each day with prayer; and

WHEREAS, In 1988, legislation setting aside the first Thursday in May in each year as a National Day of Prayer was passed unanimously by both Houses of Congress and signed by President Ronald Reagan; and

WHEREAS, The National Day of Prayer is an opportunity for Americans of all faiths to join in united prayer to acknowledge our dependence on God, to give thanks for blessings received, to request healing for wounds endured, and to ask God to guide our leaders and bring wholeness to the United States and her citizens; and

WHEREAS, It is fitting and proper to give thanks to God by observing a day of prayer in New Jersey when all may acknowledge our blessings and express gratitude for them, while recognizing the need for strengthening religious and moral values in our State and nation; now, therefore,

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

C.36:2-34 "A Day of Prayer in New Jersey" designated.

1. The first Thursday in May each year is designated as "A Day of Prayer in New Jersey" and the citizens of New Jersey are urged to observe the day in ways appropriate to its importance and significance.

2. This act shall take effect immediately.

Approved June 21, 1994.

CHAPTER 45

AN ACT appropriating \$9,394,625 from the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P.L.1992, c.88, to provide loans or grants, or both, to assist local government units to acquire and develop lands for recreation and conservation purposes, and authorizing the use of certain unexpended balances, interest earnings, and loan payments for such purposes.

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

1. a. There is appropriated to the Department of Environmental Protection from the "1992 New Jersey Green Trust Fund" established pursuant to section 22 of the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P.L.1992, c.88, the sum of \$9,394,625 to provide loans or grants, or both, to assist local government units to acquire and develop lands for recreation and conservation purposes, which sums shall

include administrative costs. The following projects are eligible for funding with the moneys appropriated pursuant to this section:

<u>Local</u> <u>Government Unit</u>	<u>County</u>	<u>Project</u>	<u>Approved</u> <u>Amount</u>
Brigantine City	Atlantic	Mun. Boat Ramp - Ph. II Dev.	\$ 75,000
Buena Vista Twp.	Atlantic	Rec. Facility Dev.	\$150,000
Chesterfield Twp.	Burlington	Township Recreation Dev.	\$120,000
Fieldsboro Boro	Burlington	American Legion Fields Dev.	\$ 55,625
Mansfield Twp.	Burlington	Recreation Parcel Acq.	\$285,000
Medford Twp.	Burlington	Distefano Tract Dev.	\$500,000
New Hanover Twp.	Burlington	Gen. Edwd. Godfrey House Acq.	\$150,000
Pemberton Twp.	Burlington	Multi Sites Dev.	\$551,000
Riverton Boro	Burlington	Riverton Memorial Park Dev.	\$ 50,000
Shamong Twp.	Burlington	Shamong Rec. Complex Dev.	\$150,000
Wrightstown Boro	Burlington	Crowshaw Park Dev.	\$150,000
Camden City	Camden	Rosedale Commons Dev.	\$400,000
Gloucester Twp.	Camden	Erial Park Dev.	\$300,000
Pine Hill Boro	Camden	Chas. Bowen Complex Dev.	\$500,000
Winslow Twp.	Camden	Donio Park Dev.	\$146,000
Cape May City	Cape May	Harborview Park Dev.	\$450,000
Cape May County	Cape May	Armacost Park Acq.	\$285,000
Sea Isle City	Cape May	Cospar Park Acq.	\$2,000,000
Woodbine Boro	Cape May	Lincoln Park Dev.	\$142,000
Vineland City	Cumberland	Multi Parks Dev.	\$260,000
Washington Twp.	Gloucester	Washington Lake Park Acq.	\$1,230,000
Long Beach Twp.	Ocean	Bayview Park 2 Dev.	\$150,000
Long Beach Twp.	Ocean	Bayview Park Acq.	\$800,000
Ocean Twp.	Ocean	Bay Haven Waterfront Acq.	\$225,000
Plumsted Twp.	Ocean	Oakford Lake Park Dev.	\$150,000
Penns Grove Boro	Salem	Barbar Avenue Park Dev.	\$120,000

b. Any transfer of any funds or project sponsor, or change in project site, listed in subsection a. of this section shall require the approval of the Joint Budget Oversight Committee or its successor.

c. To the extent that moneys remain available after the projects listed in subsection a. of this section are offered funding pursuant thereto, the local government unit projects listed in P.L.1984, c.224, P.L.1985, c.479, P.L.1986, c.208, P.L.1988, c.23, P.L.1989, c.194, P.L.1991, c.13, P.L.1991, c.14, P.L.1991, c.15, P.L.1991, c.16, P.L.1991, c.522, P.L.1993, c.200, P.L.1993, c.201, P.L.1993, c.266, P.L.1993, c.267, section 1 of P.L.1994, c.51, section 1 of P.L.1994, c.37, and section 1 of P.L.1994, c.52, shall be eligible for funding, including administrative costs, in a sequence consistent with the priority system established by the Department of Environmental Protection, and shall require the approval of the Joint Budget Oversight Committee or its successor.

d. Pursuant to the provisions of subsection c. of section 7 of the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P.L.1992, c.88, all loans made to local government units with moneys appropriated from the "1992 New Jersey Green Trust Fund" pursuant to subsection a. of this section shall bear interest of not more than 2% per year and shall be for a term of not more than 20 years. All principal and interest payments repaid by the local government units shall be deposited into the "1992 New Jersey Green Trust Fund" in accordance with the terms of a written loan agreement. The terms of the loan agreement shall be completed and executed on a form approved by the State Treasurer or his designee.

e. The expenditure of the sums appropriated by subsection a. of this section is subject to the provisions and conditions of P.L.1992, c.88.

2. a. There is reappropriated to the Department of Environmental Protection the unexpended balances of the amounts appropriated pursuant to P.L.1984, c.224, P.L.1985, c.479, P.L.1986, c.208, P.L.1988, c.23, P.L.1989, c.194, P.L.1991, c.13, P.L.1991, c.14, P.L.1991, c.15, P.L.1991, c.16, P.L.1991, c.522, P.L.1993, c.200, P.L.1993, c.201, P.L.1993, c.266, and P.L.1993, c.267, from the "Green Trust Fund" established pursuant to the "New Jersey Green Acres Bond Act of 1983," P.L.1983, c.354, from the "Green Trust Fund" established pursuant to the "New Jersey Green Acres, Cultural Centers and Historic Preservation Bond Act of 1987," P.L.1987, c.265, from the "1989 New Jersey Green Trust Fund" established pursuant to the "Open Space Preservation Bond Act of 1989," P.L.1989, c.183, and from the "1992 New Jersey Green Trust Fund" established pursuant to the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P.L.1992, c.88, for the purpose of making loans or

grants, or both, to local government units for the projects listed in P.L.1984, c.224, P.L.1985, c.479, P.L.1986, c.208, P.L.1988, c.23, P.L.1989, c.194, P.L.1991, c.13, P.L.1991, c.14, P.L.1991, c.15, P.L.1991, c.16, P.L.1991, c.522, P.L.1993, c.200, P.L.1993, c.201, P.L.1993, c.266, P.L.1993, c.267, section 1 of this act, section 1 of P.L.1994, c.51, section 1 of P.L.1994, c.37, and section 1 of P.L.1994, c.52, and for the purpose of administrative costs associated with any such projects, to the extent such funds are available as a result of project withdrawals or cost savings.

b. There is appropriated to the Department of Environmental Protection such sums as may be or become available on or before June 30, 1995, due to interest earnings or loan repayments, in (1) the "Green Trust Fund" established pursuant to the "New Jersey Green Acres Bond Act of 1983," P.L.1983, c.354, (2) the "Green Trust Fund" established pursuant to the "New Jersey Green Acres, Cultural Centers and Historic Preservation Bond Act of 1987," P.L.1987, c.265, (3) the "1989 New Jersey Green Trust Fund" established pursuant to the "Open Space Preservation Bond Act of 1989," P.L.1989, c.183, and (4) the "1992 New Jersey Green Trust Fund" established pursuant to the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P.L.1992, c.88, for the purpose of making loans or grants, or both, to local government units for the projects listed in P.L.1984, c.224, P.L.1985, c.479, P.L.1986, c.208, P.L.1988, c.23, P.L.1989, c.194, P.L.1991, c.13, P.L.1991, c.14, P.L.1991, c.15, P.L.1991, c.16, P.L.1991, c.522, P.L.1993, c.200, P.L.1993, c.201, P.L.1993, c.266, P.L.1993, c.267, section 1 of this act, section 1 of P.L.1994, c.51, section 1 of P.L.1994, c.37, and section 1 of P.L.1994, c.52, and for the purpose of administrative costs associated with any such projects.

3. This act shall take effect immediately.

Approved June 21, 1994.

CHAPTER 46

AN ACT concerning additional assessments on certain municipal licensing fees and amending P.L.1982, c.68.

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

1. Section 1 of P.L.1982, c.68 (C.40:52-7) is amended to read as follows:

C.40:52-7 Additional assessments.

1. The governing body of any municipality is authorized to enact an ordinance or ordinances imposing an additional assessment to any fee imposed upon a license issued by the municipality pursuant to P.L.1959, c.109 (C.5:8-100 et seq.), R.S.40:52-1 or R.S.33:1-19. The additional assessment shall be imposed at the rate as shall be determined by the governing body and set forth in the ordinance. In no event shall the total amount of the additional assessment imposed on any one license exceed \$200.

2. Section 5 of P.L.1982, c.68 (C.40:54C-3) is amended to read as follows:

C.40:54C-3 Disbursement authority.

5. The commission shall have exclusive authority to disburse all revenues allocated to the fund established pursuant to section 2 of this act. It shall spend moneys from the fund in the manner it deems advisable for the purpose of publicizing and otherwise promoting the municipality it serves in order to attract tourism; however, at least 50 percent of the revenues from the fund shall be disbursed for advertising outside of the municipality to attract tourists into the municipality. The purpose of this act shall be considered a public purpose.

3. This act shall take effect immediately.

Approved June 23, 1994.

CHAPTER 47

AN ACT concerning the unauthorized practice of law supplementing chapter 21 of Title 2C of the New Jersey Statutes and repealing certain sections of statutory law.

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

C.2C:21-22 Unauthorized practice of law, penalties.

1. a. A person is guilty of a disorderly persons offense if the person knowingly engages in the unauthorized practice of law
- b. A person is guilty of a crime of the fourth degree if the person knowingly engages in the unauthorized practice of law and:
 - (1) Creates or reinforces a false impression that the person is licensed to engage in the practice of law; or
 - (2) Derives a benefit; or
 - (3) In fact causes injury to another.
- c. For the purposes of this section, the phrase "in fact" indicates strict liability.

Repealer.

2. The following sections are repealed: N.J.S.2A:170-78 through N.J.S.2A:170-85 inclusive.

3. This act shall take effect immediately.

Approved June 23, 1994.

CHAPTER 48

AN ACT concerning the governance of higher education, abolishing the State Department of Higher Education and revising parts of the statutory law.

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

C.18A:3B-1 Short title.

1. This act shall be known and may be cited as the "Higher Education Restructuring Act of 1994."

C.18A:3B-2 Findings, declarations.

2. The Legislature finds and declares that:

- a. the institutions of higher education are one of the most valuable and underutilized resources in the State; and
- b. the elimination of unnecessary State oversight and its accompanying bureaucracy will serve to unleash the creativity and innovation of these institutions; and
- c. the restructuring of higher education must ensure that student aid programs are not only preserved but strengthened and that the State continue to foster and encourage programs to promote diversity and accessibility; and
- d. the institutions of higher education in the State shall be responsible for achieving the Statewide goals of affordability and accessibility for all students, institutional excellence, and effectiveness in addressing the societal and economic needs of the State; and
- e. in order to provide institutions with the ability to fulfill their mission and Statewide goals, greater decision making and accountability must be placed at the institutional level and structures must be established to ensure cooperation among institutions and coordination at the State level; and
- f. the State benefits from a coordinated system of higher education that includes public and private institutions which offer a variety of programs with a range of choices and which addresses the needs of the State including its citizens and employers.

C.18A:3B-3 Definitions.

3. For the purposes of this act, unless the context clearly requires a different meaning:

“Commission” means the New Jersey Commission on Higher Education established by this act;

“Council” means the New Jersey Presidents’ Council established by this act;

“Programmatic Mission” means all program offerings consistent within those levels of academic degrees or certificates that the institution has been authorized to grant by the State Board of Higher Education prior to the effective date of this act or approved thereafter by the commission;

“Public Research University” means Rutgers, The State University of New Jersey, the University of Medicine and Dentistry of New Jersey and the New Jersey Institute of Technology;

“State college” means any of the State colleges established pursuant to chapter 64 of Title 18A of the New Jersey Statutes including any State college designated as a teaching university.

C.18A:3B-4 Department of Higher Education abolished.

4. The Department of Higher Education created by P.L.1967, c.271 (C.18A:3-1 et seq.) is abolished as a principal department in the Executive Branch of State Government and all of its functions, powers and duties, except as herein otherwise provided, are terminated.

C.18A:3B-5 Termination of offices, terms.

5. The offices and terms of the Chancellor of Higher Education, vice-chancellor, the assistant chancellors and the directors of the various divisions and offices of the Department of Higher Education, except as herein otherwise provided, shall terminate upon the effective date of this act.

C.18A:3B-6 Powers, duties of governing boards of institutions of higher education.

6. The governing board of each public institution of higher education shall have the following general powers and duties to fulfill its mission and the Statewide goals in cooperation with other institutions and the State coordinating structures:

a. To develop an institutional plan and to determine the programs and degree levels to be offered by the institution consistent with this plan and the institution's programmatic mission;

b. To have authority over all matters concerning the supervision and operations of the institution including fiscal affairs, the employment and compensation of staff not classified under Title 11A of the New Jersey Statutes, and capital improvements in accordance with law;

c. To set tuition and fees; however, prior to the date of the adoption of a tuition or fee schedule or an overall institutional budget, and with reasonable notice thereof, the governing board shall conduct a public hearing at such times and places as will provide those members of the college community who wish to testify with an opportunity to be heard;

d. To establish admission standards and requirements and standards for granting diplomas, certificates and degrees;

e. To recommend for appointment by the Governor, members to the institution's governing board. The recommendation shall be made with regard to the mission of the institution and the diversity of the community to be served;

f. To have final authority to determine controversies and disputes concerning tenure, personnel matters of employees not

classified under Title 11A of the New Jersey Statutes, and other issues arising under Title 18A of the New Jersey Statutes involving higher education except as otherwise provided herein. Any hearings conducted pursuant to this section shall conform to the requirements of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). The final administrative decision of a governing board of a public institution of higher education is appealable to the Superior Court, Appellate Division;

g. To invest and reinvest the funds of the institution; however, institutions which invest the funds of the institution through the Director of the Division of Investment in the Department of the Treasury on or before the effective date of this act shall continue to do so, unless this requirement is waived by the State Treasurer on an annual basis, which waiver shall not be unreasonably withheld;

h. To retain legal counsel of the institution's choosing. State entities may choose representation by the Attorney General; however, as to claims of a tortious nature, the institution shall elect within 75 days of the effective date of this act whether it, and its employees, shall be represented in all such matters by the Attorney General. If the institution elects not to be represented by the Attorney General, it shall be considered and its employees considered employees of a sue and be sued entity for the purposes of the "New Jersey Tort Claims Act" only. The institution shall be required in that circumstance to provide its employees with defense and indemnification consistent with the terms and conditions of the Tort Claims Act in lieu of the defense and indemnification that such employees would otherwise seek and be entitled to from the Attorney General pursuant to N.J.S.59:10-1 et seq. and P.L.1972, c.48 (C.59:10A-1 et seq.);

i. To be accountable to the public for fulfillment of the institution's mission and Statewide goals and for effective management of the institution;

j. To submit a request for State support to the Division of Budget and Accounting in the Department of the Treasury and to the commission in accordance with the provisions of this act;

k. To have prepared and made available to the public an annual financial statement, and a statement setting forth generally the moneys expended for government relations, public relations and legal costs;

l. To have prepared an annual independent financial audit, which audit and any management letters regarding that audit shall be deemed public documents.

These powers and duties are in addition to and not a limitation of the specific powers and duties provided for the governing board of each public institution under chapters 64, 64A, 64G or 64E of Title 18A of the New Jersey Statutes. If the provisions of this section are inconsistent with these specific powers and duties, the specific powers and duties shall govern.

C.18A:3B-7 “New Jersey Presidents’ Council” established.

7. There is established a body corporate and politic, with corporate succession, to be known as the “New Jersey Presidents’ Council.” Each president of a public institution of higher education in the State and of an independent institution which receives direct State aid shall be a member of the council and shall serve ex officio.

C.18A:3B-8 Responsibilities of council.

8. The council shall have the responsibility, consistent with State and federal law, to:

- a. provide public information and research on higher education issues;
- b. review and make recommendations to the commission concerning proposals for new programs that exceed the programmatic mission of an institution or that change the programmatic mission of an institution;
- c. review and comment on proposals for new programs that demand significant added resources or raise significant issues of duplication but do not exceed the programmatic mission of the institution or require a change in the programmatic mission. If the council determines that a proposed new program is unduly expensive or unduly duplicative, the council shall refer that proposal to the commission for review; however, unless the commission disapproves of that program within 60 days of its referral, the program shall be deemed approved;
- d. encourage the formation of regional or other alliances among institutions including interinstitutional transfers, program articulation, cooperative programs and shared resources and develop criteria for “full faith and credit” transfer agreements between county colleges and other institutions of higher education. The council shall also keep institutions apprised of the discontinuance of programs at other institutions and each president shall notify the council of any such action;
- e. advise and assist the commission in developing and updating a plan for higher education in the State including, but not

limited to, the establishment of new institutions, closure of existing institutions and consolidation of institutions;

f. provide policy recommendations on Statewide higher education issues;

g. recommend to the Governor, Legislature and commission on policy and overall levels of funding for student aid programs necessary to ensure accessibility to higher education;

h. transmit to the Governor, Legislature and commission a general budget policy statement regarding overall State funding levels;

i. upon referral from the commission pursuant to this act provide recommendations concerning institutional licensure and university status;

j. appoint subcommittees consisting of the presidents of the institutions of the various higher education sectors to decide matters, within the authority of the council. The presidents of the independent institutions shall develop a unified request for State support under chapter 72B of Title 18A of the New Jersey Statutes. The presidents of the county college sector shall develop a unified request for State support under chapter 64A of Title 18A of the New Jersey Statutes; and

k. consult with other institutions of higher education which do not receive direct State aid when actions of the council directly affect such institutions.

C.18A:3B-9 Powers of council.

9. The council shall have perpetual succession and shall have the following powers:

a. To make, amend, and repeal rules and bylaws for its own governance and guidance not inconsistent with State or federal law;

b. To adopt an official seal and alter the same at pleasure;

c. To maintain an office at such place or places within the State as it may designate; and

d. To sue and be sued in its own name and to retain legal counsel of its choosing.

C.18A:3B-10 Funding necessary expenses of council.

10. For the purposes of funding the necessary expenses of the council, the various institutions shall pay the expenses incurred by their respective presidents, and shall appropriate annually such sums for dues as may be assessed by a two-thirds vote of the council. The dues may be made upon a graduated scale based upon a two thirds vote of the council.

C.18A:3B-11 Organization of council, selection of officers.

11. a. The council shall organize within 60 days of the effective date of this act. Thereafter the council shall organize annually during the month of February and meet at other times as may be necessary, but not less than twice during the course of the year. Although the council is a purely advisory body, it shall be subject to the provisions of the "Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.);

b. The council may select such officers as may be necessary for the transaction of business.

C.18A:3B-12 Executive board.

12. a. There shall be established an executive board which performs such duties as determined by the council. The executive board shall be composed of 14 members as follows:

The president of Rutgers, The State University;

The president of the University of Medicine and Dentistry of New Jersey;

The president of New Jersey Institute of Technology;

Three presidents of State Colleges who shall be selected by the presidents of this sector;

Five presidents of county colleges who shall be selected by the presidents of this sector;

Three presidents of independent institutions who shall be selected by the presidents of this sector.

b. The chair of the executive board shall be rotated among the following: one of the presidents of Rutgers, The State University of New Jersey, the president of the University of Medicine and Dentistry of New Jersey, and the president of New Jersey Institute of Technology; a president selected by the presidents of the State Colleges; a president selected by the presidents of the county colleges; and a president selected by the presidents of the independent institutions. The chair of the executive board shall serve for a two-year period. Biennially, the executive board shall select the chair in the manner provided above, but not necessarily in the order provided above.

C.18A:3B-13 New Jersey Commission on Higher Education.

13. a. There is established the New Jersey Commission on Higher Education which shall consist of nine members: six public members, to be appointed by the Governor with the advice and consent of the Senate without regard for political affiliation, two public members to

be appointed by the Governor, one upon the recommendation of the President of the Senate and one upon the recommendation of the Speaker of the General Assembly, and the chairperson of the New Jersey Presidents' Council, ex officio. The public members shall reflect the diversity of the State. Notwithstanding the above, for a period of four years from July 1, 1994 the commission shall consist of 15 members, as follows: 10 public members, appointed by the Governor with the advice and consent of the Senate without regard for political affiliation, six of whom shall have experience as a current member of the governing board of an institution of higher education, four public members to be appointed by the Governor, two upon the recommendation of the President of the Senate and two upon the recommendation of the Speaker of the General Assembly, and the chairperson of the New Jersey Presidents' Council, ex officio. The executive director of the commission shall be an ex officio, non-voting member of the commission. In addition, the Governor shall appoint two students in attendance at public or independent institutions of higher education in the State from recommendations submitted by student government associations of New Jersey colleges and universities, who shall serve for a one year term on the commission as non-voting members.

b. Public members who are not experienced as governing board members shall serve for a term of six years from the date of their appointment and until their successors are appointed and qualified; except that of the initial appointees who are not serving on the governing board of an institution: one shall serve a term of one year; one shall serve a term of two years; one shall serve a term of three years; one shall serve a term of four years; two shall serve a term of five years; and two shall serve a term of six years. A public member who does not have experience as a current member of a governing board shall serve until the member's successor is appointed and qualified.

Any vacancy shall be filled in the same manner as the original appointment but only for the balance of the unexpired term. The commission members shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties. No commission member shall be appointed for more than two consecutive six-year terms.

c. The Governor shall make the necessary appointments within 15 days of the effective date of this act. The commission shall hold its first meeting within 30 days of the appointment and qualification in office of its members, at which time the Governor shall appoint, for a two-year term, the chairman of the commission from among those

public members not serving on the board of trustees of an institution. Upon the completion of the chairman's term, and every two years thereafter, the commission shall elect, from among those public members who are not serving on the board of trustees of an institution, a chairman who shall serve a two-year term. The chairman may be removed by the Governor for cause after an opportunity to be heard.

d. The commission shall be established in the Executive Branch of the State Government and for the purposes of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the commission is allocated in but not of the Department of State, but notwithstanding this allocation, the commission shall be independent of any supervision or control by the department or by any board or officer thereof. The commission shall submit its budget request directly to the Division of Budget and Accounting in the Department of the Treasury.

e. The commission shall appoint an executive director and such other personnel as may be deemed necessary. The executive director and professional staff shall serve at the commission's pleasure and shall receive such compensation as provided by law.

f. The Attorney General shall provide legal representation to the commission.

C.18A:3B-14 Responsibilities of commission.

14. The commission shall be responsible for:

a. Statewide planning for higher education including research on higher education issues and the development of a comprehensive master plan, including, but not limited to, the establishment of new institutions, closure of existing institutions, and consolidation of institutions, which plan shall be long-range in nature and regularly revised and updated. The council may request the commission to conduct a study of a particular issue. The commission may require from institutions of higher education such reports or other information as may be necessary to enable the commission to perform its duties;

b. advocacy on behalf of higher education including informing the public of the needs and accomplishments of higher education in New Jersey;

c. making recommendations to the Governor and Legislature on higher education initiatives and incentive programs of State-wide significance;

d. final administrative decisions over institutional licensure and university status giving due consideration to the accreditation status of the institution. The commission shall furnish the Presidents'

Council with any pertinent information compiled on behalf of the subject institution and the council shall then make recommendations to the commission concerning the licensure of the institution or university status within sixty days of receipt of the information;

e. adopting a code of ethics applicable to institutions of higher education;

f. final administrative decisions over new academic programs that go beyond the programmatic mission of the institution and final administrative decisions over a change in the programmatic mission of an institution;

g. reviewing requests for State support from the institutions in relation to the mission of the institution and Statewide goals and proposing a coordinated budget policy statement to the Governor and Legislature;

h. communicating with the State Board of Education and Commissioner of Education to advance public education at all levels including articulation between the public schools and higher education community;

i. applying for and accepting grants from the federal government, or any agency thereof, or grants, gifts or other contributions from any foundation, corporation, association or individual, and complying with the terms, conditions and limitations thereof, for the purpose of advancing higher education. Any money so received may be expended by the commission upon warrant of the director of the Office of Management and Budget in the Department of the Treasury on vouchers certified by the executive director of the commission;

j. acting as the lead agency of communication with the federal government concerning higher education issues;

k. exercising all of the powers and duties previously exercised by the Board of Higher Education, the Department of Higher Education, and the Chancellor of Higher Education, under the "New Jersey Higher Education Building Construction Bond Act of 1971," P.L.1971, c.164, the "New Jersey Medical Education Facilities Bond Act of 1977," P.L.1977, c.235, the "Jobs, Science and Technology Bond Act of 1984," P.L.1984, c.99 and the "Jobs, Education and Competitiveness Bond Act of 1988," P.L.1988, c.78, the "Higher Education Equipment Leasing Fund Act," P.L.1993, c.136, the "Higher Education Facilities Trust Fund Act," P.L.1993, c.375 and the "N.J. CLASS Loan Program," P.L.1991, c.268; and

l. exercising any other power or responsibility necessary in order to carry out the provisions of this act.

New Jersey State Library

C.18A:3B-15 Rules, regulations.

15. The commission shall adopt rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to carry out the provisions of this act. Regulations adopted by the State Board of Higher Education pertaining to:

- a. licensing of institutions and university status;
- b. outside employment for employees of public institutions and State agencies and Code of Ethics;
- c. residency requirements for tuition purposes;
- d. personnel policies which affect the terms and conditions of employment including classification and compensation plans adopted pursuant thereto;
- e. tenure and multi-year contracts;
- f. rights and procedures in a reduction in force;
- g. student trustee policies; and
- h. regulations concerning early retirement programs and length of the academic year shall continue with full force and effect under the authority of the commission for a period of one year from the effective date of this act or until amended, continued or repealed by the commission pursuant to law.

C.18A:3B-16 Report to Legislature, Governor.

16. a. The commission shall report to the Legislature and Governor within six months of the effective date of this act on recommendations concerning the collective bargaining process and the civil service classification of certain institutional employees.

b. The commission shall make recommendations to the Legislature and Governor regarding the following within one year of the effective date of this act:

(1) articulation between higher education and elementary and secondary education;

(2) the manner in which the administration of student assistance programs may be modernized and made more efficient including the privatization of student loan administration and the merger of the Student Assistance Board and the New Jersey Higher Education Assistance Authority;

(3) the manner in which higher education is funded including mission-based funding, multi-year funding and tuition establishment.

c. The commission may request assistance from any agency of State government or may seek assistance from outside consultants, foundations or other organizations in order to conduct any study that may be required under this section subject to available appropriations.

C.18A:3B-17 Office of Student Assistance constituted.

17. a. The Office of Student Assistance; the Office of Information Services; the Office of Operational Integrity and the Office of Student Loan Accounting in the Department of Higher Education, or their successors, together with all their functions, powers and duties, except as herein otherwise provided, are continued and transferred to and constituted as the Office of Student Assistance in but not of the Department of the Treasury. Notwithstanding this allocation, the office shall not be subject to the supervision or control of the Department of the Treasury or any of its officers or employees. The Office of Student Assistance shall administer the student assistance programs established under the Student Assistance Board and the Higher Education Assistance Authority as well as other student assistance programs as determined by law.

b. The Governor shall appoint an individual to serve as Executive Director of Student Assistance Programs. The executive director shall be located in the Office of Student Assistance and shall serve at the pleasure of the Governor. The executive director shall be the appointing authority and shall be responsible for the general supervision of the Office of Student Assistance created pursuant to this section and the Higher Education Assistance Authority. The executive director shall also be responsible for the administration of the student assistance programs under the Student Assistance Board and the Higher Education Assistance Authority. The executive director shall regularly consult with the Commission on Higher Education concerning student assistance matters.

c. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Office of Student Assistance; the Office of Information Services; Office of Operational Integrity, or Office of Student Loan Accounting in the Department of Higher Education, the same shall mean and refer to the Office of Student Assistance in but not of the Department of the Treasury.

d. This transfer shall be subject to the provisions of the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

e. The Department of the Treasury shall render administrative assistance, including but not limited to personnel and fiscal assistance, to the office upon the request of the Office of Student Assistance. The cost and expense of any services rendered shall be paid by the office.

f. The Executive Director of Student Assistance Programs shall develop such rules and regulations in accordance with the

“Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.) as are necessary to implement the provisions of this act.

g. Regulations adopted by the State Board of Higher Education in order to implement or administer any student assistance program shall continue with full force and effect under the authority of the Executive Director of Student Assistance Programs or the State Treasurer, as appropriate, until amended or repealed pursuant to law.

C.18A:3B-18 Student Assistance Board transferred.

18. a. All functions, powers and duties now vested in the Student Assistance Board in the Department of Higher Education are transferred to and assumed by the Student Assistance Board in but not of the Department of the Treasury.

b. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Student Assistance Board in the Department of Higher Education, the same shall mean and refer to the Student Assistance Board in but not of the Department of the Treasury.

c. Nothing in this act shall be construed to limit the power of the Student Assistance Board or to alter the terms and conditions of loans or grants made to students through the board.

d. This transfer shall be subject to the provisions of the “State Agency Transfer Act,” P.L.1971, c.375 (C.52:14D-1 et seq.).

e. The Department of the Treasury shall render administrative assistance, including but not limited to, personnel and fiscal assistance, to the board upon the request of the board. The cost and expense of any services rendered shall be paid by the board.

f. The present members of the board shall hold their office for the duration of their respective terms.

C.18A:3B-19 Educational Opportunity Fund transferred.

19. a. All functions, powers and duties now vested in the Educational Opportunity Fund or the board of directors thereof in the Department of Higher Education are transferred to and assumed by the Educational Opportunity Fund and the board of directors thereof under the Commission on Higher Education in but not of the Department of State.

b. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Educational Opportunity Fund or the board of directors thereof in the Department of Higher Education,

the same shall mean and refer to the Educational Opportunity Fund or the board of directors thereof in the Commission on Higher Education in but not of the Department of State.

c. Nothing in this act shall be construed to limit the authority of the Educational Opportunity Fund, or the board of directors thereof, or to alter the terms and conditions of grants made to students by the fund.

d. This transfer shall be subject to the provisions of the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

e. The present members of the board of directors, other than the Chancellor of Higher Education, shall hold their office for the duration of their respective terms.

C.18A:3B-20 Higher Education Assistance Authority transferred.

20. a. All functions, powers and duties now vested in the Higher Education Assistance Authority or the officers thereof in the Department of Higher Education are transferred to and assumed by the Higher Education Assistance Authority and the officers thereof in but not of the Department of the Treasury.

b. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Higher Education Assistance Authority or the officers thereof in the Department of Higher Education, the same shall mean and refer to the Higher Education Assistance Authority or the officers thereof in but not of the Department of the Treasury.

c. Nothing in this act shall be construed to limit the power of the Higher Education Assistance Authority or to alter the terms and conditions of loans made to students by the authority. Nothing in this act shall be construed to alter the terms, conditions, rights or remedies of any obligation issued by the authority.

d. This transfer shall be subject to the provisions of the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

e. The Department of the Treasury shall render administrative assistance, including but not limited to, personnel and fiscal assistance, to the authority upon the request of the authority. The cost and expense of any services rendered shall be paid by the authority.

f. The present members of the authority shall hold their office for the duration of their respective terms.

C.18A:3B-21 Educational Facilities Authority transferred.

21. a. All functions, powers and duties now vested in the Educational Facilities Authority or the officers thereof in the

Department of Higher Education are transferred to and assumed by the Educational Facilities Authority and the officers thereof in but not of the Department of the Treasury.

b. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Educational Facilities Authority or the board of directors thereof in the Department of Higher Education, the same shall mean and refer to the Educational Facilities Authority or the board of directors thereof in but not of the Department of the Treasury.

c. Nothing in this act shall be construed to limit the power of the Educational Facilities Authority or to alter the terms and conditions of loans made by the authority. Nothing in this act shall be construed to alter the terms, conditions, rights or remedies of any obligation issued by the authority.

d. This transfer shall be subject to the provisions of the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

e. The Department of the Treasury shall render administrative assistance, including but not limited to personnel and fiscal assistance, to the authority upon the request of the authority. The cost and expense of any services rendered shall be paid by the authority.

f. The present members of the authority shall hold their office for the duration of their respective terms.

C.18A:3B-22 State Board of Higher Education project approval transferred.

22. The functions, powers and duties of the State Board of Higher Education, including the approval of projects, under the "Jobs, Education and Competitiveness Bond Act of 1988," P.L.1988, c.78 shall, following July 1, 1994, be exercised by the New Jersey Commission on Higher Education.

Any final action taken by the State Board of Higher Education prior to July 1, 1994 including the approval of any project under this bond act shall be unaffected by the provisions of P.L.1994, c.48 (C.18A:3B-1 et al.) and such final action is hereby ratified and confirmed.

C.18A:3B-23 State Board of Higher Education equipment purchase, allocation of funds transferred.

23. The functions, powers and duties of the State Board of Higher Education, including the approval of the equipment purchase and allocation of funds, under the "Higher Education Equipment Leasing Fund Act," P.L.1993, c.136 (C.18A:72A-40 et

seq.) shall, following July 1, 1994, be exercised by the New Jersey Commission on Higher Education.

Any final action taken by the State Board of Higher Education prior to July 1, 1994, including the approval of an equipment purchase or allocation of funds, under this bond act shall be unaffected by the provisions of P.L.1994, c.48 (C.18A:3B-1 et al.) and such final action is hereby ratified and confirmed.

C.18A:3B-24 Equipment purchase, allocation of funds under C.18A:72A-49 et seq. transferred.

24. The functions, powers and duties of the State Board of Higher Education, including the approval of the equipment purchase and allocation of funds, under the "Higher Education Facilities Trust Fund Act," P.L.1993, c.375 (C.18A:72A-49 et seq.) shall, following July 1, 1994, be exercised by the New Jersey Commission on Higher Education.

Any final action taken by the State Board of Higher Education prior to July 1, 1994, including the approval of grants or allocation of funds, under this bond act shall be unaffected by the provisions of P.L.1994, c.48 (C.18A:3B-1 et al.) and is hereby ratified and confirmed. The membership of the "Higher Education Facilities Trust Fund Board" shall include the chair and vice-chair of the New Jersey Commission on Higher Education in the place of the members of the State Board of Higher Education and the Chancellor of Higher Education.

C.18A:3B-25 Functions, powers, duties under P.L.1984, c.99 transferred.

25. The functions, powers and duties of the State Board of Higher Education under the "Jobs, Science and Technology Bond Act," P.L.1984, c.99 shall, following July 1, 1994, be exercised by the New Jersey Commission on Higher Education.

Any final action taken by the State Board of Higher Education prior to July 1, 1994 under this bond act shall be unaffected by the provisions of P.L.1994, c.48 (C.18A:3B-1 et al.) and is hereby ratified and confirmed.

Regulations of the State Board of Higher Education concerning this bond act shall be continued under authority of the commission until amended or repealed by the commission.

C.18A:3B-26 Construction of act in regard to Rutgers, The State University.

26. This act shall not be construed to impair any vested rights, grants, charter rights, privileges, exemptions, immunities, powers, prerogatives, franchises or advantages continued, granted or

obtained by Rutgers, The State University under the "Rutgers, The State University Law," N.J.S.18A:65-1 et seq., nor shall this act be construed to impose additional powers, duties or responsibilities upon Rutgers, The State University not contained within N.J.S.18A:65-1 et seq.

C.18A:3B-27 Allocation of institutions to Department of State.

27. For the purposes of complying with the provisions of Article V, Section IV, Paragraph 1 of the New Jersey Constitution, any State institution of higher education which was allocated to the Department of Higher Education or other department of State government shall be allocated to the Department of State upon the effective date of this act. Notwithstanding this allocation, any such institution shall be independent of any supervision or control of the Department of State or any board, commission or officer thereof and the allocation shall not in any way affect the principles of institutional autonomy established in this act.

C.18A:3B-28 Construction of act.

28. This act is a revision law and the provisions hereof not inconsistent with prior laws shall be construed as a continuation of such prior laws and its enactment shall not:

- a. affect the tenure, compensation and pension rights, if any, of the lawful holder thereof, in any position not specifically abolished herein, upon the effective date of this act;
- b. alter the term of any member of any board, commission or public body, not specifically abolished herein, lawfully in office as of the effective date of this act, or require the reappointment thereof;
- c. require the resubmission to the voters of any proposal adopted by such voters prior to the effective date of this act.

C.18A:3B-29 Disposition of petitions, controversies, disputes.

29. All petitions, controversies and disputes pending before the State Board of Higher Education or the Chancellor of Higher Education and not disposed of as of the effective date of this act shall be decided by the commission under the law under which the action arose as though this act had not been enacted. The commission shall have all necessary powers to render a final administrative decision in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) in regard to these controver-

sies and disputes. This section shall not be construed to grant to the commission general authority to render final administrative decisions on matters arising under the laws governing higher education except as otherwise specifically provided herein.

C.18A:3B-30 Responsibility for action to implement act.

30. The Department of the Treasury in consultation with the Department of Personnel shall be responsible for any administrative, fiscal and personnel actions necessary to implement the provisions of this act.

C.18A:3B-31 Interim, comprehensive reports to Governor, Legislature.

31. a. The council and commission established under this act shall submit an interim report to the Governor and Legislature on or before July 1, 1996 with an assessment of the restructuring of higher education embodied in this act and recommendations concerning the modification of this structure.

b. On or before July 1, 1999, the council and the commission shall submit a comprehensive report to the Governor and the Legislature, including, for each public institution of higher education: a profile of the student body including graduation rates, SAT or other test scores, the percentage of New Jersey residents in the student body, the number of scholarship students and the number of Education Opportunity Fund students in attendance; a profile of the faculty including the ratio of full to part-time faculty members, and major research and public service activities; a profile of the trustees or governors as applicable; and, a profile of each institution, including degree and certificate programs, status of accreditation, major capital projects and any other information which the commission and the council deem appropriate. The report shall include an assessment of the restructuring of higher education and may include recommendations as to the modification or alteration of this structure.

C.18A:3B-32 Exercise of powers conferred in act.

32. The powers conferred in this act upon the commission shall be exercised with due regard for the rights of the holders of bonds of this State or any authority thereof, at any time outstanding, and nothing in, or done pursuant to this act, shall in any way limit, restrict, or alter the obligation or powers of the State or its authorities to carry out and perform in every detail each and every covenant, agreement or contract at any time made or entered into by, or on behalf of the

State or any authority thereof with respect to its bonds or for the benefit, protection or security of the holders thereof.

C.18A:3B-33 Participation in alternate benefits program continued.

33. Notwithstanding the provisions of any law to the contrary, any former employee of the Department of Higher Education who was a participant in the alternate benefits program, P.L.1969, c.242 (C.18A:66-168 et seq.), and who has continued in uninterrupted service with the State may continue to participate in the alternate benefits program on the same terms as other eligible employees.

34. N.J.S.18A:1-1 is amended to read as follows:

Definitions.

18A:1-1. As used in this title, unless the context requires another meaning, the following words and phrases shall have the following meaning:

“Academic year” means the period between the time school opens in any school district or under any board of education after the general summer vacation until the next succeeding summer vacation;

“All purpose regional district” shall have the meaning assigned to it in subsection a. of section 18A:13-2;

“Board” means the board of education;

“Commissioner” means the Commissioner of Education;

“County superintendent” means the County Superintendent of Schools;

“Department” means the State Department of Education;

“District” means a school district;

“Employee” includes the holder of any position or employment;

“Employment” includes employment in a position;

“Full membership” of any board or body means the number of members of the board or body when all the members’ seats are filled and a “majority of the full membership” of any board or body means a majority of such number;

“Higher education” means that education which is provided by any or all of the public institutions of higher education as herein defined and any or all equivalent private institutions;

“Limited purpose regional district” shall have the meaning assigned to it in subsection b. of section 18A:13-2;

“Local school district” means any school district comprising within its territorial boundaries the territory comprised in one or more municipalities, except a regional school district;

“Private school” means a school, under college grade, which does not derive its support entirely or in part from public funds;

“Public institution of higher education” shall have the meaning assigned to it in section 18A:62-1;

“Public school” means a school, under college grade, which derives its support entirely or in part from public funds;

“Public school system” means the system of public schools of the State;

“Residence” means domicile, unless a temporary residence is indicated;

“School nurse” shall mean and include any school nurse, school nurse supervisor, head school nurse, chief school nurse, school nurse coordinator or any other nurse performing school nursing services in the public schools;

“State board” means the State Board of Education;

“Teaching staff member” means a member of the professional staff of any district or regional board of education, or any board of education of a county vocational school, holding office, position or employment of such character that the qualifications, for such office, position or employment, require him to hold a valid and effective standard, provisional or emergency certificate, appropriate to his office, position or employment, issued by the State Board of Examiners and includes a school nurse.

35. Section 1 of P.L.1969, c.178 (C.18A:3-14.1) is amended to read as follows:

C.18A:3-14.1 Annual report of sources of financial assistance.

1. The Office of Student Assistance shall prepare on an annual basis a concise report which lists all sources of financial assistance, including but not limited to scholarships and loans, available to citizens of this State who now attend or who plan to attend any institution of higher education. The report shall supply the name and address of each source, identify the form of the financial assistance, and indicate that the source of funds is public or private.

36. Section 3 of P.L.1986, c.87 (C.18A:3-15.3) is amended to read as follows:

C.18A:3-15.3 Letter designation restricted.

3. A person shall not append to his name any letters in the same form designated by the Commission on Higher Education as entitled to the protection accorded to an academic degree unless

the person has received from a duly authorized institution of higher education the degree or certificate for which the letters are registered. For the purposes of this section, a duly authorized institution of higher education means an in-State institution licensed by the Commission on Higher Education or an out-of-State institution licensed by the appropriate state agency and regionally accredited or seeking accreditation by the appropriate accrediting body recognized by the Council on Postsecondary Education or the United States Department of Education.

37. Section 4 of P.L.1986, c.87 (C.18A:3-15.4) is amended to read as follows:

C.18A:3-15.4 Out-of-State degrees.

4. An in-State university, college, business, trade or vocational school may not offer, advertise, or by agreement with an out-of-State institution, offer or advertise any academic degree from any out-of-State university, college, business, trade or vocational school when three-quarters or more of the degree requirements are obtained by course work completed at the institution in New Jersey unless the degree program is consistent with the programmatic mission of the institution or has been approved by the Commission on Higher Education or is a degree program at an institution specifically exempted from the provisions of N.J.S.18A:68-6.

38. Section 2 of P.L.1987, c.53 (C.18A:3-19.2) is amended to read as follows:

C.18A:3-19.2 Disclosure of foreign gifts.

2. Every institution of higher education licensed by the Commission on Higher Education to award an academic degree shall disclose the amount, terms, restrictions and requirements attached to or made a part of any gift of value in excess of \$100,000.00 made to the institution by a foreign government, foreign legal entity or foreign person in any one fiscal year. If the foreign government, foreign legal entity or foreign person makes more than one gift to an institution, and the total value of those gifts in any one fiscal year exceeds \$100,000.00, the institution shall report all of the gifts received.

39. Section 3 of P.L.1987, c.53 (C.18A:3-19.3) is amended to read as follows:

C.18A:3-19.3 Information to the Department of the Treasury.

3. This information shall be forwarded to the Department of the Treasury no later than 30 days after the last day of the fiscal year. The information shall include:

- a. The amount of the gift.
- b. The date on which it was received.
- c. Full details of any conditions, matching provisions, or designation of the gift for a specific purpose.
- d. The name of the foreign government in the case of a gift by a foreign government; the name of the foreign entity in the case of a gift by a foreign entity; and the name of the foreign country in which a foreign person is located or resides in the case of a gift by a foreign person.
- e. The purpose or purposes for which the gift will be used.

40. Section 2 of P.L.1991, c.388 (C.18A:3-25) is amended to read as follows:

C.18A:3-25 Pledge's Bill of Rights.

2. The Attorney General shall develop a "Pledge's Bill of Rights" which outlines acceptable and unacceptable behavior and activities in regard to the pledge or rushing activities of college and university fraternities and sororities and other similar campus organizations. In developing the bill of rights, the Attorney General shall review the existing pledge and anti-hazing policies and procedures of public and independent institutions of higher education within the State and shall, as appropriate, incorporate those policies into the bill of rights. The Attorney General shall make the "Pledge's Bill of Rights" available to each institution of higher education within the State.

41. Section 3 of P.L.1991, c.388 (C.18A:3-26) is amended to read as follows:

C.18A:3-26 Information on hazing included.

3. The bill of rights developed by the Attorney General pursuant to section 2 of P.L.1991, c.388 (C.18A:3-25) shall include information on the criminal penalties for hazing and aggravated hazing established pursuant to P.L.1980, c.169 (C.2C:40-3 et seq.).

42. Section 3 of P.L.1984, c.149 (C.18A:3A-3) is amended to read as follows:

C.18A:3A-3 Institute on Conflict Resolution and Peace Studies.

3. a. There is established in, but not of, the Department of State the New Jersey Institute on Conflict Resolution and Peace Studies, hereinafter referred to as the Institute.

b. The Institute shall be under the direct management and supervision of the Secretary of State, who shall, by rules and regulations promulgated pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), provide for its organization and methods of proceeding, so as to fulfill the purposes prescribed in section 4 of this act.

c. The secretary may at any time, and from time to time, enter into agreements with any public or private institution of higher learning in this State, under which such institution shall undertake to carry out any of the functions or projects of the Institute, pursuant to section 4 of P.L.1984, c.149 (C.18A:3A-4); and in consideration of such undertaking the secretary may authorize the payment to such institution of funds appropriated or otherwise made available to the Institute under this act or any other law, or from any other lawful source, and which are determined by him to be necessary or appropriate for the funding of the function or project so undertaken.

43. Section 6 of P.L.1984, c.149 (C.18A:3A-6) is amended to read as follows:

C.18A:3A-6 Advisory board.

6. To assist him in the organization of the Institute, and in fulfilling his other duties and responsibilities under P.L.1984, c.149 (C.18A:3A-1 et seq.), the secretary shall appoint an advisory board, which shall be broadly representative of those organizations and individuals having active interest in, and academic or practical knowledge and experience in, the methods and techniques of conflict resolution and the peaceful settlement of disputes; including, without limitation, representatives of religious, cultural and academic organizations, and persons actively engaged in the promotion of international and intercultural understanding, the study or conduct of foreign relations, and the advancement of world peace.

44. N.J.S.18A:4-3 is amended to read as follows:

Membership qualifications.

18A:4-3. The State Board of Education shall consist of 13 members who shall be citizens of the State who have resided therein for not less than five years immediately preceding their appointment,

not less than three of whom shall be women and not more than one of whom shall be appointed from the residents of any one county.

45. Section 2 of P.L.1991, c.193 (C.18A:4A-2) is amended to read as follows:

C.18A:4A-2 New Jersey Commission on Holocaust Education.

2. a. The New Jersey Commission on Holocaust Education is created and established in the Executive Branch of the State Government. For the purposes of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the commission is allocated within the Department of Education, but notwithstanding this allocation, the commission shall be independent of any supervision or control by the department or any board or officer thereof.

The commission shall consist of 21 members, including the Commissioner of Education and the chair of the executive board of the Presidents' Council, serving ex officio, and 19 public members.

Public members shall be appointed as follows: three public members shall be appointed by the President of the Senate; three public members shall be appointed by the Speaker of the General Assembly; and 13 public members shall be appointed by the Governor, no less than six of whom shall at the time of their appointment be members of the New Jersey Advisory Council on Holocaust Education, created pursuant to Executive Order No. 17 of 1982 and continued pursuant to Executive Order No. 87 of 1984, Executive Order No. 168 of 1987 and Executive Order No. 225 of 1990, and further continued pursuant to Executive Order No. 14 of 1990. The public members shall be residents of this State, chosen with due regard to broad geographic representation and ethnic diversity, who have served prominently as spokespersons for, or as leaders of organizations which serve members of religious, ethnic, national heritage or social groups which were subjected to genocide, torture, wrongful deprivation of liberty or property, officially imposed or sanctioned violence, and other forms of human rights violations and persecution at the hands of the Nazis and their collaborators during the Nazi era, or they shall be residents who are experienced in the field of Holocaust education.

b. Each public member of the commission shall serve for a term of three years, except that of the initial members so appointed: one member appointed by the President of the Senate, one member appointed by the Speaker of the General Assembly, and four members appointed by the Governor shall serve for terms of one year; one member appointed by

the President of the Senate, one member appointed by the Speaker of the General Assembly, and four members appointed by the Governor shall serve for terms of two years; and one member appointed by the President of the Senate, one member appointed by the Speaker of the General Assembly, and five members appointed by the Governor shall serve for terms of three years. Public members shall be eligible for reappointment. They shall serve until their successors are appointed and qualified, and the term of the successor of any incumbent shall be calculated from the expiration of the term of that incumbent. A vacancy occurring other than by expiration of term shall be filled in the same manner as the original appointment but for the unexpired term only.

c. The members of the commission shall serve without compensation, but they shall be entitled to reimbursement for all necessary expenses incurred in the performance of their duties.

d. The commission shall annually elect a chairman from among its members. It shall meet upon the call of the chairman or of a majority of the commission members. The presence of a majority of the authorized membership of the commission shall be required for the conduct of official business.

e. The commission shall appoint an executive director, who shall serve at its pleasure and shall be a person qualified by training and experience to perform the duties of the office.

46. N.J.S.18A:6-3 is amended to read as follows:

Courses in Constitution of United States.

18A:6-3. Regular courses of instruction in the Constitution of the United States shall be given in all public schools and in all private schools, attendance at which is a sufficient compliance with the compulsory educational requirements of this title in this State, which instruction shall begin not later than the opening of the seventh grade in public schools and of the equivalent grade in private schools and shall continue in the high school course and in courses of State colleges and universities and the educational departments of the State and municipal institutions.

47. N.J.S.18A:6-4 is amended to read as follows:

Annual report of institutions receiving State aid and private schools.

18A:6-4. The board, body or person in charge of each educational institution, except an institution of higher education, receiving support or aid from the State and of each private school

shall report, annually on or before August 1, to the commissioner, in the manner and form required by him, and the board, body or person in charge of each educational institution of higher learning receiving support or aid from the State shall report in like manner to the Commission on Higher Education, such statistics relating to the conduct of such institution or school as he may require but no private school shall be required to report concerning its expenses or finances nor shall any such report made by it be published or made public.

48. N.J.S.18A:6-18 is amended to read as follows:

Dismissal, reduction and compensation of persons under tenure in schools and institutions of higher education.

18A:6-18. No professor, associate professor, assistant professor, instructor, supervisor, registrar, teacher or other persons employed in a teaching capacity, in any State college, county college or industrial school who is under tenure during good behavior and efficiency shall be dismissed or subject to reduction of salary, except for inefficiency, incapacity, conduct unbecoming a teacher or other just cause. Written charge of the cause or causes preferred against an individual shall be signed by the person or persons making the same and filed with the board of trustees of said college or school. Upon determination that the matter is a contested case, the board shall assign the matter for hearing and initial decision to the Office of Administrative Law. A final decision shall be rendered by the full board of trustees. The person charged may be represented by counsel at all times and have compulsory process to compel the attendance of witnesses to testify therein, as provided by law. Contested case hearings shall be conducted under rules and regulations established pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) and P.L.1978, c.67 (C.52:14F-1 et seq.).

49. N.J.S.18A:6-19 is amended to read as follows:

Administering of oaths.

18A:6-19. Any member of any board of education, governing board or of any other board or any person, lawfully authorized to hold a hearing, may administer oaths to witnesses in such hearing, in any dispute or controversy under the school laws or the rules of the commissioner or of the State board, of which they or he have jurisdiction.

Any person who has been so sworn and who shall testify falsely at such hearing shall be guilty of a misdemeanor.

50. N.J.S.18A:6-20 is amended to read as follows:

Right to testify; counsel; witnesses; compulsory process.

18A:6-20. Any party to any dispute or controversy or charged therein, may be represented by counsel at any hearing held in or concerning the same and shall have the right to testify, and produce witnesses to testify on his behalf and to cross-examine witnesses produced against him, and to have compulsory process by subpoena to compel the attendance of witnesses to testify and to produce books and documents in such hearing when issued by (a) the president of the board of education, if the hearing is to be held before such board, or (b) the commissioner, if the hearing is to be held before him or on his behalf, or (c) the president and secretary of the State board, if the hearing is to be held before such board or before one of its committees, or (d) the chairman of the board of trustees of the State or county college or industrial school, if the hearing is to be held before such board.

The subpoena shall be served in the same manner as subpoenas issued out of the Superior Court are served.

51. N.J.S.18A:6-26 is amended to read as follows:

Rules to be made by State board.

18A:6-26. The State board and the commissioner with the approval of the State board and any other board or body having jurisdiction over the prosecution and hearing of controversies and disputes under the school laws or any rules made thereunder shall have power to make rules governing the prosecution and hearing of controversies and disputes, under the school laws and the rules governing the particular prosecution or dispute when exercising original or appellate jurisdiction therein.

52. N.J.S.18A:6-27 is amended to read as follows:

Appeals.

18A:6-27. Any party aggrieved by any determination of the commissioner may appeal from his determination to the State board.

53. N.J.S.18A:6-28 is amended to read as follows:

Appeals; how taken.

18A:6-28. An appeal to the State board shall be taken in the manner prescribed by rules of the board, within 30 days after the decision appealed from is filed, and the board shall have power to hear and determine any such appeal.

54. N.J.S.18A:6-29 is amended to read as follows:

Conduct of hearing on appeal to the State board.

18A:6-29. The State board may refer the hearing of any appeal, taken to it in the manner pursuant to law, to a committee of not less than three of its members, which committee shall hear the same and report thereon, recommending its conclusions, to the board and the board shall thereupon decide the appeal by resolution in open meeting.

55. Section 8 of P.L.1975, c.212 (C.18A:7A-8) is amended to read as follows:

C.18A:7A-8 Review and update of State goals and standards.

8. The State board after consultation with the commissioner and review by the Joint Committee on the Public Schools shall, from time to time, but at least once every five years, review and update the State goals and standards established pursuant to this act. In reviewing and updating these goals and standards, the State board shall consult with, and be assisted by, (a) the Commissioner of Labor who, in consultation with employer and employee groups, shall report annually to the State board projecting labor needs and describing employment qualifications in New Jersey, (b) the Presidents' Council, which, in consultation with the institutions of higher education in the State, shall report annually to the State board on entry requirements and anticipated enrollment levels, (c) the Commissioner of Health who shall report annually to the State board on the current and projected health needs in New Jersey, (d) the Commissioner of Human Services who shall report annually to the State board on the education of pupils under the jurisdiction of the department, and (e) such other employees and officers of the State as may be able to assist the State board in its activities pursuant to this section.

56. Section 12 of P.L.1979, c.207 (C.18A:7B-8) is amended to read as follows:

C.18A:7B-8 Office of Education in Department of Corrections; establishment; director; appointment; salary; powers; duties.

12. There is hereby created and established in the Department of Corrections an Office of Education to be headed by a Director of Educational Services who shall supervise the educational programs in all State facilities operated by that department and shall approve all personnel to be hired for such programs.

The director shall hold the appropriate certificate issued by the State Board of Examiners and shall be qualified by training and experience for his position and shall be appointed by the Commissioner of Cor-

rections. He shall serve at the pleasure of the commissioner and shall receive such salary as shall be fixed by the commissioner.

The director shall establish primary, secondary, and vocational programs which meet the educational needs of school age persons for whom the department is responsible. Appropriate credit and certification shall be given for the successful completion of such programs.

Within any available appropriation, the program of education shall include adult, post-secondary and college programs offered by institutions licensed by the Department of Education or the Commission on Higher Education.

57. Section 13 of P.L.1979, c.207 (C.18A:7B-9) is amended to read as follows:

C.18A:7B-9 Office of Education in Department of Human Services; establishment; director; appointment; salary; powers; duties.

13. There is hereby created and established in the Department of Human Services an Office of Education to be headed by a Director of Educational Services who shall supervise the educational programs in all the State facilities operated by or under contract with that department and shall approve all personnel hired by the State for such programs.

The director shall hold the appropriate certificate issued by the State Board of Examiners and shall be qualified by training and experience for his position and shall be appointed by the Commissioner of Human Services. He shall serve at the pleasure of the commissioner and shall receive such salary as shall be fixed by the commissioner.

The director shall establish primary, secondary, and vocational programs which meet the educational needs of school age persons for whom the department is responsible. Appropriate credit and certification shall be given for the successful completion of such programs.

Within any available appropriation, the program of education shall include adult, post-secondary and college programs offered by institutions licensed by the Department of Education or the Commission on Higher Education.

58. Section 34 of P.L.1991, c.62 (C.18A:7D-28.3) is amended to read as follows:

C.18A:7D-28.3 Programs, services for special needs districts.

34. Notwithstanding any statute, rule or regulation promulgated by the State Board of Education, special needs districts may contract

with New Jersey colleges and universities to provide in school, after school and special academic programs and services to assist the districts in providing a thorough and efficient education. The Presidents' Council shall prepare on or before July 1 of each year a report of programs and services available from New Jersey colleges and universities to assist special needs districts. The report shall be distributed to the commissioner and to the special needs districts.

59. N.J.S.18A:18A-2 is amended to read as follows:

Definitions.

18A:18A-2. As used in this chapter, unless the context otherwise indicates:

a. "Board of education" means and includes the board of education of any local school district, consolidated school district, regional school district, county vocational school and any other board of education or other similar body other than the State Board of Education, the Commission on Higher Education or the Presidents' Council, established and operating under the provisions of Title 18A of the New Jersey Statutes and having authority to make purchases and to enter into contracts, agreements or leases for the performance of any work or the furnishing or hiring of any materials, supplies, equipment or services usually required, the cost or contract price is to be paid with or out of board funds.

b. "Contracting agent" means the secretary, business administrator or the business manager of the board of education having the power to prepare advertisements, to advertise for and receive bids and to make awards for the board of education in connection with purchases, contracts or agreements as permitted by this chapter, but if there be no secretary, business administrator or business manager such officer, committees or employees to whom such power has been delegated by the board of education.

c. "Contracts" for the purpose of this chapter means contracts or agreements for the performance of work or the furnishing or hiring of services, materials, or supplies as distinguished from contracts of employment.

d. "District" means and includes any local school district, consolidated school district, regional school district, county vocational school and any other board of education or other similar body other than the State board, established under the provisions of Title 18A of the New Jersey Statutes.

e. "Legal newspaper" means a newspaper circulating in the district, printed and published in the English language at least once a week for at least one year continuously.

f. "Materials" includes goods and property subject to Article 2 of Title 12A of the New Jersey Statutes, apparatus, or any other tangible thing, except real property or any interest therein.

g. "Extraordinary unspecifiable services" means services which are specialized and qualitative in nature requiring expertise, extensive training and proven reputation in the field of endeavor.

h. "Professional services" means services rendered or performed by a person authorized by law to practice a recognized profession and whose practice is regulated by law and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction or apprenticeship and training. Professional services also means services rendered in the performance of work that is original and creative in character in a recognized field of artistic endeavor.

i. "Project" means any work, undertaking, construction or alteration.

j. "Purchases" are transactions, for a valuable consideration, creating or acquiring an interest in goods, services and property, except real property or any interest therein.

k. "Work" includes services and any other activity of a tangible or intangible nature performed or assumed pursuant to a contract or agreement with a board of education.

60. Section 1 of P.L.1973, c.267 (C.18A:28-16) is amended to read as follows:

C.18A:28-16 Operation of certain schools by State agencies; sick leave; tenure, pension rights of staff members.

1. Whenever an Educational Services Commission, a Jointure Commission, the Commissioner of Education, the State Board of Education, the board of trustees of any State college, or any officer, board or commission under his, its or their authority shall undertake the operation of any school previously operated by a school district in this State, all accumulated sick leave, tenure and pension rights of all teaching staff members in said school shall be recognized and preserved by the agency assuming operational control of the school, and any periods of prior employment in such school district shall count toward the acquisition of tenure to

the same extent as if all of such employment had been under the Educational Services Commission, Jointure Commission, the Commissioner of Education, the State Board of Education, or the board of trustees of any State college, as the case may be.

61. Section 2 of P.L.1973, c.267 (C.18A:28-17) is amended to read as follows:

C.18A:28-17 Operation of certain schools by local school districts; sick leave; tenure, pension rights of teaching staff members.

2. Whenever the local board of education of any school district in this State shall undertake the operation of any school previously operated by an Educational Services Commission, a Jointure Commission, the Commissioner of Education, the State Board of Education, the board of trustees of any State college, or any officer, board or commission under his, its or their authority, all accumulated sick leave, tenure and pension rights of all teaching staff members in said school, shall be recognized and preserved by the board assuming operational control of the school, and any periods of prior employment, by said Educational Services Commission, Jointure Commission, Commissioner of Education, State Board of Education or board of trustees of any State college, or any officer, board or commission under his, its or their authority, shall count toward the acquisition of tenure to the same extent as if all of such employment had been in such school district.

62. Section 3 of P.L.1973, c.267 (C.18A:28-18) is amended to read as follows:

C.18A:28-18 Compliance with certain notice requirements.

3. For the academic year following any transfer of operational control under section 1 or section 2 of P.L.1973, c.267 (C.18A:28-16 and 18A:28-17), both the local school board and the Educational Services Commission, Jointure Commission, Commissioner of Education, State Board of Education, or the board of trustees of a State college, as the case may be, shall comply with the notice requirements of P.L.1971, c.436 (C.18A:27-10 et seq.), to the same extent as if each had been the employer of all teaching staff members of the school in question during the academic year preceding the transfer of operational control.

63. Section 9 of P.L.1974, c.197 (C.18A:35-23) is amended to read as follows:

C.18A:35-23 Implementation of provisions.

9. The Commissioner of Education shall, with the approval of the State Board of Education promulgate rules and regulations, establish procedures, employ personnel, and take all other necessary steps to insure the implementation of the provisions of this act.

64. Section 10 of P.L.1974, c.197 (C.18A:35-24) is amended to read as follows:

C.18A:35-24 State Advisory Committee on Bilingual Education; establishment; membership.

10. The State Board of Education shall establish a State Advisory Committee on Bilingual Education to assist the Department of Education in the formulation of policies and procedures relating to this act. The State Advisory Committee on Bilingual Education shall include representatives of the language communities served, institutions of higher education, local school boards, school administrators, teachers and laymen knowledgeable in the field of bilingual education.

65. Section 11 of P.L.1974, c.197 (C.18A:35-25) is amended to read as follows:

C.18A:35-25 Financial support to institutions of higher education.

11. The Commission on Higher Education with the advice of the State Advisory Committee on Bilingual Education shall recommend to the treasurer that financial support be provided to institutions of higher education for career development programs and the training of professionals serving bilingual populations with emphasis on effective utilization of existing facilities.

66. Section 12 of P.L.1974, c.197 (C.18A:35-26) is amended to read as follows:

C.18A:35-26 Developmental activities.

12. The State Board of Education shall develop resources, programs, curriculum and instructional materials and undertake such other activities as will enable boards of education to provide programs pursuant to this act.

67. N.J.S.18A:38-24 is amended to read as follows:

Attendance of pupils at demonstration schools.

18A:38-24. Any pupil may with the consent of the board of education of the district in which he resides and of the commis-

sioner be admitted to any demonstration school maintained in connection with any State college. The board of education of the district and the board of trustees of the State college shall determine the amount to be paid for the education of the pupil, and the board of education of the district shall pay the amount so determined to the treasurer of the college out of any money available for the current expenses of the district. Pupils attending such demonstration schools for whom tuition is paid by the sending district shall be counted in the determination of State aid for the school district in the same manner as pupils attending schools in any school district other than the sending district.

68. Section 3 of P.L.1968, c.182 (C.18A:54A-3) is amended to read as follows:

C.18A:54A-3 Legislature's findings.

3. The Legislature hereby finds and declares that there is a need for new programs and institutions capable of reaching and motivating the high-school dropout; that the experience gained by the creation of neighborhood education centers in other States indicates that those centers may be a partial answer to the problem of the high-school dropout; that the Commissioners of Education and Community Affairs should be authorized to establish such neighborhood education centers; and that the expenditure of public funds for those purposes is in the public interest.

69. Section 5 of P.L.1968, c.182 (C.18A:54A-5) is amended to read as follows:

C.18A:54A-5 Governor's Council on Neighborhood Education Centers created; membership; officers.

5. There is hereby created in but not of the Department of Community Affairs the Governor's Council on Neighborhood Education Centers, which shall consist of the Commissioner of Community Affairs and the Commissioner of Education who shall be members of the council for such times as they shall hold their respective offices. The commissioner shall serve as the administrator and chief executive officer of the council, and shall have primary responsibility for the activities of the council. The Commissioner of Education shall serve as the chairman of the council, which shall meet at the call of said chairman.

70. Section 7 of P.L.1968, c.182 (C.18A:54A-7) is amended to read as follows:

C.18A:54A-7 Commissioner's additional powers.

7. In order to carry out the purposes and provisions of this act, the commissioner, in addition to any powers granted to him elsewhere in this act, shall have the following powers:

(a) To make and enter into all contracts and agreements necessary or incidental to the discharge of his duties and the execution of his powers under this act;

(b) To appoint or employ, subject to the provisions of Title 11 of the Revised Statutes, such personnel and employees as may be necessary in his judgment;

(c) To receive and accept aid or contributions from any source, of money, property, labor or other things of value, to be held, used and applied to carry out the purposes of this act subject to any conditions upon which such grants and contributions may be made;

(d) To call upon and avail himself of, so far as may be practicable and within the limits of appropriations available therefor, the services of employees of the Departments of Community Affairs and Education;

(e) To acquire by purchase, gift or lease, sell, lease and otherwise deal with property, whether real or personal or mixed;

(f) To adopt such rules and regulations as may be necessary or convenient to carry out the provisions of this act; and

(g) To do all acts and things necessary or convenient to carry out the provisions of this act.

71. N.J.S.18A:59-1 is amended to read as follows:

Apportionment and distribution of federal funds; exceptions.

18A:59-1. Whenever moneys are made available for school purposes by any act of congress, except the act of congress referred to in Article 2 of this chapter, or any agency of the federal government, or made available or deposited in any manner in accordance with any law enacted by the congress of the United States, such moneys shall be apportioned by the commissioner under plans approved by the State board, if said moneys are for use in the public school system, or by the Commission on Higher Education, if said moneys are for use in higher education. Such moneys shall be distributed as aid to the several districts or in any other manner designated for any educational purpose defined in the federal statutes or in the regulations of federal agencies making allotments or in the laws of this State.

72. N.J.S.18A:59-2 is amended to read as follows:

Federal funds as trust funds; distribution.

18A:59-2. All moneys mentioned in N.J.S.18A:59-1 shall be considered trust funds and shall be distributed by the commissioner or by the Commission on Higher Education, as the case may be, in conformity with said plans.

73. Section 2 of P.L.1973, c.163 (C.18A:60-7) is amended to read as follows:

C.18A:60-7 Definitions.

2. As used in this act, the following words and phrases shall have the following meaning:

a. "Academic rank" means instructor, assistant professor, associate professor and professor.

b. "Faculty member" means any full-time member of the teaching staff appointed with academic rank. Other full-time professional persons shall be considered faculty members if they concurrently hold academic rank.

74. Section 5 of P.L.1973, c.163 (C.18A:60-10) is amended to read as follows:

C.18A:60-10 Establishment of procedure for career development.

5. It shall be the responsibility of the board of trustees and the president of each State and county college, in conjunction with their faculty to establish a formal procedure for the career development of all members of the professional staff including, but not limited to, a systematic and regular evaluation for the purpose of identifying any deficiencies, extending assistance for their correction and improving instruction.

75. Section 1 of P.L.1986, c.194 (C.18A:61C-1) is amended to read as follows:

C.18A:61C-1 College-level instruction for high school students.

1. The Commissioner of Education, the Commission on Higher Education, in consultation with the Presidents' Council, shall establish a program to promote increased cooperation between the State's high schools and institutions of higher education. The objective of this program shall be to increase the access of our State's able high school students to the educational resources available in our institutions of higher education. This program shall supplement the efforts of local school districts to provide appropri-

ate education to their students and shall not relieve a district of any obligation established by statute or regulation.

The program shall increase the availability of college-level instruction for high school students through courses offered by institutions of higher education at their campuses and in high schools. The program shall seek the involvement of all institutions of higher education, two-year and four-year, public and nonpublic, and all school districts, including those which are not located in close proximity to an appropriate institution of higher education.

76. Section 3 of P.L.1986, c.194 (C.18A:61C-3) is amended to read as follows:

C.18A:61C-3 Rules, regulations.

3. The Department of Education and the Commission on Higher Education each shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations necessary to implement the provisions of this act.

77. Section 1 of P.L.1986, c.193 (C.18A:61C-4) is amended to read as follows:

C.18A:61C-4 College credit.

1. The Commissioner of the Department of Education, in consultation with the Commission on Higher Education and the Presidents' Council, shall establish a program to provide courses for college credit on public high school campuses to high school pupils, through institutions of higher education in this State.

78. Section 4 of P.L.1986, c.193 (C.18A:61C-7) is amended to read as follows:

C.18A:61C-7 Course limitations.

4. The commissioner, in consultation with the Commission on Higher Education and the Presidents' Council, may limit courses taught under the program to courses which are equivalent to those offered by the institution of higher education to its regularly admitted students.

79. Section 5 of P.L.1986, c.193 (C.18A:61C-8) is amended to read as follows:

C.18A:61C-8 Course credit acceptance.

5. A public institution of higher education shall accept the course credit of a student who successfully participates in the program.

80. Section 6 of P.L.1986, c.193 (C.18A:61C-9) is amended to read as follows:

C.18A:61C-9 Rules, regulations.

6. The commissioner, in consultation with the Commission on Higher Education and the Presidents' Council, and with the approval of the State Board of Education, shall adopt rules and regulations in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) necessary for the operation of the program.

81. Section 1 of P.L.1988, c.158 (C.18A:61D-1) is amended to read as follows:

C.18A:61D-1 Immunization record.

1. Every public and independent institution of higher education in this State shall, as a condition of admission or continued enrollment, require every graduate and undergraduate student who is 30 years of age or less and is enrolled full-time or part-time in a program or course of study leading to an academic degree, to submit to the institution a valid immunization record which documents the administration of all required immunizations against vaccine-preventable disease, or evidence of immunity from these diseases, in accordance with regulations promulgated by the Department of Health. The institution shall keep the records on file in such form and manner as prescribed by the department.

82. Section 2 of P.L.1988, c.158 (C.18A:61D-2) is amended to read as follows:

C.18A:61D-2 Exemption.

2. An institution may, in accordance with regulations promulgated by the department, exempt from the requirements of section 1 of P.L.1988, c.158 (C.18A:61D-1) any student who attended an elementary or secondary school located in this State.

83. Section 4 of P.L.1988, c.158 (C.18A:61D-4) is amended to read as follows:

C.18A:61D-4 Contraindication.

4. A student who submits to the institution a written statement that an immunization is medically contraindicated shall submit a valid immunization record of other administered immunizations in accordance with regulations promulgated by the department.

84. Section 6 of P.L.1988, c.158 (C.18A:61D-6) is amended to read as follows:

C.18A:61D-6 Rules, regulations.

6. The Commissioner of Health, shall, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), promulgate rules and regulations necessary to effectuate the provisions of this act.

85. Section 1 of P.L.1979, c.31 (C.18A:62-3) is amended to read as follows:

C.18A:62-3 Enrollment of senior citizens in tuition-free courses in State institutions of higher education.

1. Each public institution of higher education in New Jersey may permit persons of the age of 65 or more years to enroll without the payment of any tuition charges in regularly scheduled courses; provided that available classroom space permits and that tuition paying students constitute the minimum number required for the course, provided that nothing herein shall preclude public institutions from requiring registration fees for individuals attending courses pursuant to waivers granted under this act.

86. Section 1 of P.L.1979, c.361 (C.18A:62-4) is amended to read as follows:

C.18A:62-4 Residency requirement.

1. Persons who have been resident within this State for a period of 12 months prior to enrollment in a public institution of higher education are presumed to be domiciled in this State for tuition purposes. Persons who have been resident within this State for less than 12 months prior to enrollment are presumed to be nondomiciliaries for tuition purposes. Persons presumed to be nondomiciled or persons who are presumed to be domiciled, but whose domiciliary status is challenged by the institution, may demonstrate domicile according to rules and regulations established for that purpose by the Commission on Higher Education. Residence established solely for the purpose of attending a particular educational institution is not domicile for the purposes of this act.

87. Section 77 of P.L.1991, c.187 (C.18A:62-15) is amended to read as follows:

C.18A:62-15 Health insurance coverage required for full-time students at institutions of higher education.

77. a. Every student enrolled as a full-time student at a public or private institution of higher education in this State shall maintain health insurance coverage which provides basic hospital benefits. The coverage shall be maintained throughout the period of the student's enrollment.

b. Every student enrolled as a full-time student shall present evidence of the health insurance coverage required by subsection a. of this section to the institution at least annually, in a manner prescribed by the institution.

c. The State Department of Health shall require all public and private institutions of higher education in this State to offer health insurance coverage on a group or individual basis for purchase by students who are required to maintain the coverage pursuant to this section.

d. The Commissioner of Health shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to carry out the purposes of subsections a., b. and c. of this section.

e. The Student Assistance Board in but not of the Department of the Treasury shall adopt rules and regulations to require that a public or private institution of higher education in this State consider the coverage required pursuant to this section as an educational cost for purposes of determining a student's eligibility for financial aid.

f. Nothing in this section shall be construed to permit a hospital in this State to deny access to hospital care to a full-time student whose health insurance coverage required by this section lapses for any reason.

g. The provisions of this section shall not apply to a person who is a participant in the REACH program established pursuant to P.L.1987, c.282 (C.44:10-9 et seq.).

88. Section 6 of P.L.1992, c.49 (C.18A:62-21) is amended to read as follows:

C.18A:62-21 Review of guidelines, procedures.

6. The Presidents' Council shall review the guidelines and procedures developed by the institutions, in conjunction with the agencies or organizations sponsoring literacy tutoring programs,

to provide assistance in making the guidelines and procedures the same for all participating institutions.

89. N.J.S.18A:63-1 is amended to read as follows:

Establishment of summer school and extension courses; curricula.

18A:63-1. Summer schools and extension courses for the purpose of training and educating persons, in the science of education and in the art of teaching elementary agriculture, manual training, household economics and such other subjects as may be prescribed, shall be established and maintained in the State colleges.

90. N.J.S.18A:63-2 is amended to read as follows:

Tuition and incidental fees.

18A:63-2. The State colleges and State summer schools may charge tuition and incidental fees in extension courses and summer school courses.

91. Section 2 of P.L.1971, c.191 (C.18A:63A-2) is amended to read as follows:

C.18A:63A-2 Contracts for acceptance of students in schools of veterinary medicine.

2. The State Treasurer is hereby authorized to contract with any and all accredited schools of veterinary medicine in the United States for the acceptance of students who are residents of New Jersey for at least 12 months and desire to study veterinary medicine, and beginning September, 1971, to expend annually within the limits of available appropriations such sums as are necessary to accomplish the intent of this act.

92. Section 3 of P.L.1971, c.191 (C.18A:63A-3) is amended to read as follows:

C.18A:63A-3 Advisory committee; function, membership, terms.

3. All such contracts shall only be entered into by the Treasurer on behalf of the State with the advice and consent of an advisory committee consisting of the following: (1) Dean of the College of Agriculture and Environmental Science or his designee; (2) President of the New Jersey Veterinary Medical Association; (3) Secretary of the New Jersey Veterinary Medical Examining Board and (4) four New Jersey veterinarians appointed by the Governor for terms of four years each. The first four appoin-

tees shall be appointed one for one year, one for two years, one for three years and one for four years, as designated by the Governor.

93. N.J.S.18A:64-1 is amended to read as follows:

Decentralization of authority.

18A:64-1. The Legislature hereby finds that it is in the best interest of the State that the State colleges shall be and continue to be given a high degree of self-government and that the government and conduct of the colleges shall be free of partisanship. The Legislature finds further that a decentralization of authority and decision-making to the boards of trustees and administrators of the State colleges will enhance the idea of self-government. Such colleges shall be maintained for the purpose of providing higher education in the liberal arts and sciences and various professional areas, including the science of education and the art of teaching, at such places as may be provided by law. The names of the colleges shall be designated by the board of trustees subject to regulations of the Commission on Higher Education concerning university status. The name of each of the existing State colleges shall continue the same unless a new name is so designated.

94. N.J.S.18A:64-3. is amended to read as follows:

Board of trustees.

18A:64-3. The composition and size of the board of trustees shall be determined by the board; however, each board shall have not less than seven nor more than 15 members. The members shall be citizens of the State appointed by the Governor with the advice and consent of the Senate. Each board of trustees shall recommend potential new members to the Governor. The terms of office of appointed members shall be for six years beginning on July 1 and ending on June 30. Each member shall serve until his successor shall have been appointed and qualified and vacancies shall be filled in the same manner as the original appointments for the remainders of the unexpired terms. Any member of a board of trustees may be removed by the Governor for cause upon notice and opportunity to be heard.

95. Section 1 of P.L.1986, c.139 (C.18A:64-3.1) is amended to read as follows:

C.18A:64-3.1 Student representatives.

1. The board of trustees of any State college established pursuant to chapter 64 of Title 18A of the New Jersey Statutes shall

provide for the election of two student representatives as provided herein, who shall be full-time, regularly matriculated students in good academic standing, and who shall be 18 years of age or older and citizens of the United States, to be elected by the students in the manner provided herein to serve on the board of trustees of that college for terms of two years commencing at the next organization of the board.

a. In order to implement the provisions of this section, each board of trustees shall schedule a public hearing on the question of the student election. After the public hearing, the board, at its regularly scheduled meeting in March following the effective date of this act, shall determine whether the students are to be elected by the student body at large or by the members of the student government association. Except that, for Thomas A. Edison State College, the method of the selection and the designation of eligible academic status of the student representatives shall be determined by the board of that college.

b. For the first election held pursuant to this section, one student shall be elected for a one year term as a full voting member, and one student shall be elected for two years, but shall serve as an alternate member during the first year and as a voting member during the second year.

At each subsequent election, one student shall be elected for two years, but shall serve during the first year as an alternate member, and as a voting member during the second year.

Any vacancies which occur shall be filled by the student governing body for the unexpired term only.

c. The standards for eligibility for student representatives on the board of trustees shall be the same as those required for other student government officers.

d. The student members shall be entitled to full participation in all activities of the board except that they shall not participate in:

(1) Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of any specific prospective officer or employee or current officer or employee employed or appointed by the board, unless all the individual employees or appointees whose rights could be adversely affected request in writing that the matter or matters be discussed at a public meeting.

(2) Any matter involving the purchase, lease, acquisition or sale of real property with public funds, the setting of banking rates or

investment of public funds, where it could adversely affect the public interest if discussion of these matters were disclosed.

(3) Any pending or anticipated litigation in which the board is, or may become, a party, where it could adversely affect the public interest if discussion of these matters were disclosed, or any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

e. Upon assuming office, the students shall agree to adhere to such standards of responsibility and confidentiality as are established by the board of trustees.

96. N.J.S.18A:64-6 is amended to read as follows:

Powers, duties of boards.

18A:64-6. The board of trustees of a State college shall have general supervision over and shall be vested with the conduct of the college. It shall have the power and duty to:

- a. Adopt and use a corporate seal;
- b. Determine the educational curriculum and program of the college consistent with the programmatic mission of the institution or approved by the Commission on Higher Education;
- c. Determine policies for the organization, administration and development of the college;
- d. Study the educational and financial needs of the college; annually acquaint the Governor and Legislature with the condition of the college; and prepare and present the annual budget to the Governor, the Division of Budget and Accounting in the Department of the Treasury and the Legislature in accordance with law;
- e. Disburse all moneys appropriated to the college by the Legislature and all moneys received from tuition, fees, auxiliary services and other sources;
- f. Direct and control expenditures and transfers of funds appropriated to the college and tuition received by the college, in accordance with the provisions of the State budget and appropriation acts of the Legislature, reporting changes and additions thereto and transfers thereof to the Director of the Division of Budget and Accounting in the State Department of the Treasury and as to funds received from other sources, direct and control expenditures and transfers in accordance with the terms of any applicable trusts, gifts, bequests, or other special provisions. All accounts of the college shall be subject to audit by the State at any time;

g. In accordance with the provisions of the State budget and appropriation acts of the Legislature, appoint and fix the compensation of a president of the college, who shall be the executive officer of the college and an ex officio member of the board of trustees, without vote, and shall serve at the pleasure of the board of trustees;

h. Notwithstanding the provisions of Title 11, Civil Service, of the Revised Statutes, upon nomination by the president appoint a treasurer and such deans and other professional members of the academic, administrative and teaching staffs as defined in section 13 of P.L.1986, c.42 (C.18A:64-21.2) as shall be required and fix their compensation and terms of employment in accordance with salary ranges and policies which shall prescribe qualifications for various classifications and shall limit the percentage of the educational staff that may be in any given classification;

i. Upon nomination by the president, appoint, remove, promote and transfer such other officers, agents or employees as may be required for carrying out the purposes of the college and assign their duties, determine their salaries and prescribe qualifications for all positions, all in accordance with the provisions of Title 11, Civil Service, of the Revised Statutes;

j. Grant diplomas, certificates and degrees;

k. Pursuant to the provisions of the "State College Contracts Law," P.L.1986, c.43 (C.18A:64-52 et seq.) enter into contracts and agreements for the purchase of lands, buildings, equipment, materials, supplies and services; enter into contracts and agreements with the State or any of its political subdivisions or with the United States, or with any public body, department or other agency of the State or the United States or with any individual, firm, or corporation, which are deemed necessary or advisable by the board for carrying out the purposes of the college;

l. If necessary, take and condemn land and other property in the manner provided by the "Eminent Domain Act of 1971," P.L.1971, c.361 (C.20:3-1 et seq.), whenever authorized by law to purchase land or other property;

m. Adopt, after consultation with the president and faculty, bylaws and make and promulgate such rules, regulations and orders, not inconsistent with the provisions of this article, that are necessary and proper for the administration and operation of the college and the carrying out of its purposes;

n. Establish fees for room and board sufficient for the operation, maintenance, and rental of student housing and food service facilities;

- o. Fix and determine tuition rates and other fees to be paid by students;
- p. Accept from any government or governmental department, agency or other public or private body or from any other source grants or contributions of money or property, which the board may use for or in aid of any of its purposes;
- q. Acquire by gift, purchase, condemnation or otherwise, own, lease, dispose of, use and operate property, whether real, personal or mixed, or any interest therein, which is necessary or desirable for college purposes;
- r. Employ architects to plan buildings; secure bids for the construction of buildings and for the equipment thereof; make contracts for the construction of buildings and for equipment; and supervise the construction of buildings;
- s. Manage and maintain, and provide for the payment of all charges and expenses in respect to all properties utilized by the college;
- t. Borrow money for the needs of the college, as deemed requisite by the board, in such amounts, and for such time and upon such terms as may be determined by the board, provided that this borrowing shall not be deemed or construed to create or constitute a debt, liability, or a loan or pledge of the credit, or be payable out of property or funds, other than moneys appropriated for that purpose, of the State;
- u. Authorize any new program, educational department or school consistent with the institution's programmatic mission or approved by the commission;
- v. (Deleted by amendment, P.L.1994, c.48); and
- w. Pursuant to the "State College Contracts Law," P.L.1986, c.43 (C.18A:64-52 et seq.), award contracts and agreements for the performance of any construction work or the furnishing of any materials or supplies to the lowest responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the State colleges.

97. N.J.S.18A:64-7 is amended to read as follows:

Additional powers and duties.

18A:64-7. The board of trustees of a State college, in addition to the other powers and duties provided herein, shall have and exercise the powers, rights and privileges that are incident to the proper government, conduct and management of the college, and the control of its properties and funds and such powers granted to the

college or the board or reasonably implied, may be exercised without recourse or reference to any department or agency of the State, except as otherwise provided by this article or applicable law.

98. N.J.S.18A:64-11 is amended to read as follows:

Conduct of extension courses, fees, etc.

18A:64-11. The board of trustees of each State college is authorized and empowered to conduct summer schools and extension courses through the six State colleges for the purpose of giving further training to the teachers in the public schools of this State and to charge fees therefor to be collected by the treasurers of the several State colleges.

99. N.J.S.18A:64-13 is amended to read as follows:

Tuition fees.

18A:64-13. Students in each State college who are residents of New Jersey shall be required to pay each year a minimum tuition fee and nonresidents of the State shall pay an additional fee. Such fees and any increase of the minimum tuition fee shall be determined by each college board of trustees. The board of trustees may waive the payment of the college's anticipated tuition revenues to accomplish mission-related or policy goals.

100. Section 4 of P.L.1983, c.469 (C.18A:64-13.4) is amended to read as follows:

C.18A:64-13.4 Rules, regulations.

4. The Commissioner of Labor, in consultation with the Presidents' Council, shall promulgate rules and regulations necessary to effectuate the purposes of this act. Regulations of the State Board of Higher Education implementing this act shall remain in full force and effect until modified or repealed by the Commissioner of Labor.

101. N.J.S.18A:64-18 is amended to read as follows:

Retention of revenue.

18A:64-18. a. Moneys which are derived by the State colleges as room and board revenues from student housing and food service facilities and which are not pledged for the payment of principal and interest on bonds of this State and which are in excess of sums required for the operation, maintenance, and rental of such facilities shall be retained in a separate account by

each college and may be expended by each college for the cost of operation, maintenance and rental of such facilities in subsequent years. The unexpended balance in any such account at the end of any fiscal year shall not lapse into the General Treasury.

b. Moneys which are derived from student union building fees collected at a State college, which are in excess of the sums required for the operation, maintenance and rental of such a facility, shall be retained in a separate account by each college and may be expended by each college for the cost of operation, maintenance and rental of such facilities in subsequent years. The unexpended balance of any such account at the end of any fiscal year shall not lapse into the General Treasury.

c. Moneys which are derived from the operation of parking facilities, and any other facilities financed by student fees, which are in excess of sums required for the operation and maintenance of such facilities at a State college, shall be retained in a separate account by each college and may be expended by each college for the cost of operation, maintenance and rental of such facilities in subsequent years. The unexpended balance of any such account at the end of any fiscal year shall not lapse into the General Treasury.

d. No revenues received pursuant to this section shall be transferred from their respective accounts if contractual obligations between the college and the New Jersey Educational Facilities Authority prohibit these actions.

102. Section 12 of P.L.1986, c.42 (C.18A:64-21.1) is amended to read as follows:

C.18A:64-21.1 Negotiation authority unaffected.

12. The Governor shall continue to function as the public employer under the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.) and through the Office of Employee Relations act as the chief spokesperson on behalf of the State colleges with respect to all matters under negotiation. One representative of the State college sector shall be designated by the Governor as a member of the negotiating team, upon recommendation by the State colleges.

103. Section 4 of P.L.1982, c.16 (C.18A:64-29) is amended to read as follows:

C.18A:64-29 Functions and operations.

4. An auxiliary organization may engage only in such operations and may serve only such functions as are allowed by law and as shall be approved by the board of trustees of the college. Such functions or operations may include, but shall not be limited to:

- a. operation of student centers;
- b. operation of student pubs;
- c. management of student dormitories;
- d. operation of college bookstores.

104. Section 9 of P.L.1982, c.16 (C.18A:64-34) is amended to read as follows:

C.18A:64-34 Bank accounts, purchases.

9. An auxiliary organization shall maintain its own bank accounts and shall make such purchases as are necessary to its operation, without regard to the provisions of P.L.1954, c.48 (C.52:34-6 et seq.), pursuant to regulations promulgated by the Board of Trustees.

105. Section 11 of P.L.1982, c.16 (C.18A:64-36) is amended to read as follows:

C.18A:64-36 Acceptance of gifts.

11. An auxiliary organization may accept any grant, contract, bequest, trust or gift unless the Board of Trustees determines that acceptance would be contrary to policies of the institution or inconsistent with public policy.

106. Section 17 of P.L.1982, c.16 (C.18A:64-42) is amended to read as follows:

C.18A:64-42 Financial standards.

17. The board of trustees shall, prior to the operation of any auxiliary organization under this act:

- a. Institute with the approval of the Director of the Division of Budget and Accounting a standard Statewide accounting and reporting system for businesslike management of the operation of auxiliary organizations.
- b. Implement financial standards which will tend to assure the fiscal viability of auxiliary organizations. These standards shall include proper provisions for professional management, adequate working capital, adequate reserve funds for current operations

and capital replacements, insurance, and adequate provisions for new business requirements.

c. Institute procedures to assure that transactions of the auxiliary organizations are within the educational purposes of the college.

d. Develop policies for the appropriation of surplus funds not required to implement section 15 of P.L.1982, c.16 (C.18A:64-40). Uses of such funds shall be regularly reported to the board of trustees of the college.

e. Determine which college employees may also be employed by the auxiliary organization and the terms and conditions of such employment.

107. Section 18 of P.L.1982, c.16 (C.18A:64-43) is amended to read as follows:

C.18A:64-43 Certified public accountant.

18. A certified public accountant shall be selected by each auxiliary organization. The certified public accountant shall annually audit the auxiliary organization's funds. Auxiliary organizations shall contract for and receive such audit annually, and shall submit the audit to the board of trustees of the college, and to the Director of the Division of Budget and Accounting.

108. Section 2 of P.L.1985, c.161 (C.18A:64-46) is amended to read as follows:

C.18A:64-46 Membership.

2. The association shall consist of nine voting members to be appointed as follows: one member from each of the State college boards of trustees, appointed by the members thereof. In addition the presidents of the State colleges shall serve as ex officio, non-voting members.

Members shall serve without compensation but shall be entitled to be reimbursed for all reasonable and necessary expenses.

109. Section 6 of P.L.1985, c.161 (C.18A:64-50) is amended to read as follows:

C.18A:64-50 Purposes.

6. The association shall encourage and aid all movements for the improvement of State college education and shall, from time to time, make recommendations to the Governor, Legislature, Commission on Higher Education and Presidents' Council regarding the coordination of the State colleges on matters of mutual interest and concern

110. Section 3 of P.L.1986, c.43 (C.18A:64-54) is amended to read as follows:

C.18A:64-54 Bid threshold.

3. a. Any purchase, contract or agreement for the performance of any work or the furnishing or hiring of materials or supplies, the cost or price of which, together with any sums expended for the performance of any work or services in connection with the same project or the furnishing of similar materials or supplies during the same fiscal year, paid with or out of college funds, does not exceed the total sum of \$7,500.00 or, commencing January 1, 1985, the amount determined pursuant to subsection b. of this section, in any fiscal year may be made, negotiated and awarded by a contracting agent, when so authorized by resolution of the board of trustees of the State college without public advertising for bids and bidding therefor.

b. Commencing January 1, 1985 and every two years thereafter, the Governor, in consultation with the Department of the Treasury, shall adjust the threshold amount set forth in subsection a. of this section in direct proportion to the rise or fall of the Consumer Price Index for all urban consumers in the New York and Northeastern New Jersey and the Philadelphia areas, as reported by the United States Department of Labor. The adjustment shall become effective on July 1 of the year in which it is reported.

c. Any purchase, contract or agreement made pursuant to this section may be awarded for a period of 12 consecutive months, notwithstanding that the 12-month period does not coincide with the fiscal year.

111. Section 5 of P.L.1986, c.43 (C.18A:64-56) is amended to read as follows:

C.18A:64-56 Exceptions.

5. Any purchase, contract or agreement of the character described in section 4 of P.L.1986, c.43 (C.18A:64-55) may be made, negotiated or awarded by the State college by resolution at a public meeting of its board of trustees without public advertising for bids or bidding therefor if:

a. The subject matter thereof consists of:

(1) Professional services; or

(2) Extraordinary unspecifiable services and products which cannot reasonably be described by written specifications, subject,

however, to procedures consistent with open public bidding whenever possible; or

(3) Materials or supplies which are not available from more than one potential bidder, including without limitation materials or supplies which are patented or copyrighted; or

(4) The doing of any work by employees of the State college; or

(5) The printing of all legal notices and legal briefs, records and appendices to be used in any legal proceeding to which the State college may be a party; or

(6) Textbooks, copyrighted materials, student produced publications and services incidental thereto, library materials including without limitation books, periodicals, newspapers, documents, pamphlets, photographs, reproductions, microfilms, pictorial or graphic works, musical scores, maps, charts, globes, sound recordings, slides, films, filmstrips, video and magnetic tapes, other printed or published matter and audiovisual and other materials of a similar nature, necessary binding or rebinding of library materials and specialized library services; or

(7) Food supplies and services, including food supplies and management contracts for student centers, dining rooms and cafeterias; or

(8) The supplying of any product or the rendering of any service by the public utility which is subject to the jurisdiction of the Board of Public Utilities, in accordance with tariffs and schedules of charges made, charged and exacted, filed with that board; or

(9) Equipment repair service if in the nature of an extraordinary unspecifiable service and necessary parts furnished in connection with the services; or

(10) Specialized machinery or equipment of a technical nature which will not reasonably permit the drawing of specifications, and the procurement thereof without advertising is in the public interest; or

(11) Insurance, including the purchase of insurance coverage and consulting services, which exceptions shall be in accordance with the requirements for extraordinary unspecifiable services; or

(12) Publishing of legal notices in newspapers as required by law; or

(13) The acquisition of artifacts or other items of unique intrinsic, artistic or historic character; or

(14) The collection of amounts due on student loans, including without limitation loans guaranteed by or made with funds of the United States of America; or

(15) Professional consulting services; or

(16) Entertainment, including without limitation theatrical presentations, band and other concerts, movies and other audiovisual productions; or

(17) Contracts employing funds created by student activities fees charged to students or otherwise raised by students, not under the direct control of the college and expended by student organizations; or

(18) Printing, including without limitation catalogs, yearbooks and course announcements; or

(19) Data processing software programs, systems and service and the rental or lease of data processing equipment; or

(20) Personnel recruitment and advertising, including without limitation advertising seeking student enrollment; or

(21) Educational supplies, books, articles of clothing and other miscellaneous articles purchased by a State college bookstore for resale to college students and employees; or

(22) Purchase or rental of graduation caps and gowns and award certificates or plaques.

b. It is to be made or entered into with the United States of America, the State of New Jersey, a county or municipality or any board, body, or officer, agency or authority or any other state or subdivision thereof.

c. The State college has advertised for bids pursuant to section 4 of P.L.1986, c.43 (C.18A:64-55) on two occasions and (i) has received no bids on both occasions in response to its advertisement, or (ii) has rejected the bids on two occasions because the State college has determined that they are not reasonable as to price, on the basis of cost estimates prepared for or by the State college prior to the advertising therefor, or have not been independently arrived at in open competition, or (iii) on one occasion no bids were received pursuant to (i) and on one occasion all bids were rejected pursuant to (ii), in whatever sequence; any contract or agreement may then be negotiated by a two-thirds affirmative vote of the authorized membership of the board of trustees authorizing the contract or agreement; provided that:

(1) A reasonable effort is just made by the contracting agent to determine that the same or equivalent materials or supplies at a cost which is lower than the negotiated price are not available from any agency or authority of the United States, the State of New Jersey or of the county in which the State college is located, or any municipality in close proximity to the State college;

(2) The terms, conditions, restrictions and specifications set forth in the negotiated contract or agreement are not substantially different from those which were the subject of competitive bidding pursuant to section 4 of this article; and

(3) Any minor amendment or modification of any of the terms, conditions, restrictions and specifications, which were the subject of competitive bidding pursuant to section 4 of P.L.1986, c.43 (C.18A:64-55), shall be stated in the resolution awarding the contract or agreement; except that if on the second occasion the bids received are rejected as unreasonable as to price, the State college shall notify each responsible bidder submitting bids on the second occasion of its intention to negotiate and afford each bidder a reasonable opportunity to negotiate, but the State college shall not award the contract or agreement unless the negotiated price is lower than the lowest rejected bid price submitted on the second occasion by a responsible bidder, is the lowest negotiated price offered by any reasonable vendor, and is a reasonable price for the work, materials, supplies or services. Whenever a State college shall determine that a bid was not arrived at independently in open competition pursuant to subsection c. (ii) of this section, it shall thereupon notify the Attorney General of the facts upon which its determination is based and, when appropriate, it may institute appropriate proceedings in any State or federal court of competent jurisdiction for a violation of any State or federal anti-trust law or laws relating to the unlawful restraint of trade.

112. Section 7 of P.L.1986, c.43 (C.18A:64-58) is amended to read as follows:

C.18A:64-58 Contract subdivision prohibited.

7. No purchase, contract or agreement which is single in character or which necessarily or by reason of the quantities required to effectuate the purpose of the purchase, contract or agreement includes the furnishing of additional services or equipment or buying materials or supplies or the doing of additional work, shall be subdivided so as to bring it or any of the parts thereof under the maximum price or cost limitation set forth in P.L.1986, c.43 (C.18A:64-52 et seq.), thus dispensing with the requirement of public advertising and bidding therefor. Where the doing of any work is included in or incident to the performance or completion of any project which is single in character or inclusive of the furnishing of additional work, materials or supplies or which requires the

furnishing of more than one article of materials or supplies, all of the work, materials or supplies requisite for the completion of the project shall be included in one purchase, contract or agreement.

113. Section 10 of P.L.1986, c.43 (C.18A:64-61) is amended to read as follows:

C.18A:64-61 Joint action authorized.

10. The board of trustees of two or more State colleges may provide jointly by agreement for the purchasing of work, materials, or supplies for their respective colleges, and also may enter into a joint purchasing agreement with other units of State or local government.

114. Section 12 of P.L.1986, c.43 (C.18A:64-63) is amended to read as follows:

C.18A:64-63 Subject to laws.

12. Joint purchases and all agreements pertaining thereto shall be subject to all provisions of law.

115. Section 14 of P.L.1986, c.43 (C.18A:64-65) is amended to read as follows:

C.18A:64-65 Advertisements for bids.

14. All advertisements for bids shall be published in a legal newspaper sufficiently in advance of the date fixed for receiving the bids to promote competitive bidding but in no event less than 10 days prior to that date for any construction projects or any other contract or purchase. The advertisement shall designate the manner of submitting and of receiving the bids and the time and place at which the bids will be received. If the published specifications provide for receipt of bids by mail, those bids which are mailed to the State college shall be sealed and shall be opened only at such time and place as all bids received are unsealed and announced. At that time and place, the contracting agent of the State college shall publicly receive the bids and thereupon immediately proceed to unseal them and publicly announce the contents, which announcement shall be made in the presence of any parties bidding or their agents who are then and there present. A proper record of the prices and terms shall be made. No bids shall be received after the time designated in the advertisement.

116. Section 24 of P.L.1986, c.43 (C.18A:64-75) is amended to read as follows:

C.18A:64-75 Plans, specifications.

24. All plans and specifications for the erection, alteration, improvement or repair of college buildings shall be drawn by or under the supervision of an appropriate officer employed by the college to whom these powers shall have been delegated by the Board of Trustees.

117. Section 28 of P.L.1986, c.43 (C.18A:64-79) is amended to read as follows:

C.18A:64-79 Multi-year contracts.

28. A State college may only enter a contract exceeding 12 consecutive months for the:

- a. Supplying of
 - (1) Fuel for heating purposes for any term not exceeding in the aggregate three years; or
 - (2) Fuel or oil for use in automobiles, autobuses, motor vehicles or equipment for any term not exceeding in the aggregate three years; or
- b. Plowing and removal of snow and ice for any term not exceeding in the aggregate three years; or
- c. Collection and disposal of garbage and refuse for any term not exceeding in the aggregate three years; or
- d. Data processing programs, systems and services or rental or lease of data processing equipment for any term of not more than five years; or
- e. Insurance for any term of not more than three years; or
- f. Leasing or service of automobiles, motor vehicles, electronic communications equipment, machinery and equipment of every nature and kind for any term not exceeding in the aggregate five years; or
- g. Supplying of any product or rendering of any service by a telephone company which is subject to the jurisdiction of the Board of Public Utilities, for a term not exceeding five years; or
- h. Providing of food supplies and services, including food supplies and management contracts for student centers, dining rooms and cafeterias, for a term not exceeding three years; or
- i. Performance of work or services or the furnishing of materials or supplies for the purpose of conserving energy in buildings owned by, or operations conducted by, the contracting unit, the entire price

of which is to be established as a percentage of the resultant savings in energy costs, for a term not exceeding 10 years; provided that a contract is entered into only subject to and in accordance with rules and regulations adopted by the Department of Energy establishing a methodology for computing energy cost savings; or

j. Any single project for the construction, reconstruction or rehabilitation of a public building, structure or facility, or a public works project, including the retention of the services of an architect or engineer in connection with the project, for the length of time necessary for the completion of the actual construction; or

k. The management and operation of bookstores for a term not exceeding five years.

All multiyear leases and contracts entered into pursuant to this section, except contracts for the leasing or servicing of equipment supplied by a telephone company which is subject to the jurisdiction of the Board of Public Utilities or contracts and agreements for the provision of work or the supplying of equipment to promote energy conservation and authorized pursuant to subsection i. of this section, shall contain a clause making them subject to the availability and appropriation annually of sufficient funds to meet the extended obligation or contain an annual cancellation clause.

118. Section 30 of P.L.1986, c.43 (C.18A:64-81) is amended to read as follows:

C.18A:64-81 Immunity.

30. No action for damages shall lie against the Board of Higher Education, the Commission on Higher Education, the Presidents' Council, any State official, any State college or its board of trustees or any of its officers because of any action taken by virtue of the provisions of this article.

119. N.J.S.18A:64A-1 is amended to read as follows:

Definitions.

18A:64A-1. As used in this chapter:

a. "Base year" means the fiscal year two years prior to that in which the budget is to be implemented; provided, however, for determining the level of State aid for fiscal 1982, the "base year" shall be the fiscal year three years prior to that in which the budget is to be implemented;

b. "Capital outlay expense" means those funds devoted to or required for the acquisition, landscaping or improvement of land;

the acquisition, construction, reconstruction, improvement, remodeling, alteration, addition or enlargement of buildings or other structures; and the purchase of furniture, apparatus and other equipment;

c. "County college" means an educational institution established or to be established by one or more counties, offering programs of instruction, extending not more than two years beyond the high school, which may include but need not be limited to specialized or comprehensive curriculums, including college credit transfer courses, terminal courses in the liberal arts and sciences, and technical institute type programs;

d. "Educational and general costs" means expenditures of a county college according to regulations established by the State Treasurer;

e. "Local bond law" means the local bond law, chapters 1 and 2 of Title 40A of the New Jersey Statutes (N.J.S.40A:1-1 et seq.);

f. "Operational expense" means those funds devoted to or required for the regular or ordinary expenses of the college, including administrative, maintenance, minor capital and salary expenses but excluding capital outlay expenses;

g. "Elected public official" means a person elected to a public office in the State of New Jersey other than an elected representative serving on a board of education pursuant to the provisions of N.J.S.18A:12-1 and section 1 of P.L.1977, c.30 (C.18A:54-16.1).

120. N.J.S.18A:64A-2 is amended to read as follows:

Petition to establish a college.

18A:64A-2. When the board of chosen freeholders of one or more counties, after study and investigation, shall deem it advisable for such county or counties to establish a county college, such board or boards of county freeholders may petition the Commission on Higher Education for permission to establish and operate a county college. A report shall be attached to such petition and shall include information on the higher educational needs of the county or counties, a description of the proposed county college, the proposed curriculum, an estimate of the cost of establishing and maintaining such county college, and any other information or data deemed pertinent.

The commission shall determine whether there is a need for such college and whether the county or counties have the financial capacity to support such college. If the commission finds

such a need to exist and further finds that establishing and maintaining such college is financially feasible, it shall approve the petition and shall so notify the board or boards of chosen freeholders.

121.N.J.S.18A:64A-3 is amended to read as follows:

Upon approval, establishment of college by resolution; publication; public hearing; referendum petition.

18A:64A-3. Whenever the board or boards of chosen freeholders receive notification that the Commission on Higher Education approves the establishment of a county college, each participating board may provide by resolution for the establishment of a county college in accordance with the provisions of this chapter. Prior to the final passage of said resolution, the board of chosen freeholders shall have published, in full, in a newspaper circulating in the county, the resolution together with the time and place of a public hearing to be had upon said resolution. Said publication shall be at least 10 days prior to the time fixed for the public hearing.

Within five days after passage, the resolution shall be published in full in a newspaper circulating in the county and a copy of said resolution shall be filed for public inspection with the clerk of the board of chosen freeholders and with the clerk of each municipality in said county. The resolution shall become effective in said county 45 days after passage unless there is filed with the county clerk within said 45 days, a petition requesting a referendum in said county signed by either five per cent or 10,000 of the registered voters of said county, whichever is lesser, or such a petition authorized by the governing body of a municipality or municipalities representing in total at least 15% of the population of said county. If such petition is so filed, the proposal for the establishment of a county college shall be submitted to the registered voters of said county at the next general election.

Where a county college is to be established by more than one county, similar resolutions authorizing the establishment of such county college shall be passed by the board of chosen freeholders in each participating county. If a petition such as is described above is filed in one or more said participating counties, then the proposal for the establishment of a county college shall be submitted to the registered voters of the county or counties in which such petition or petitions are filed.

The county clerk of each participating county shall notify the commission and the board of chosen freeholders of each other participating county upon the elapse of 45 days after the passage of the resolution in said county whether the question of the establishment of a county college is to be submitted to the registered voters of said county at the next general election.

122. N.J.S.18A:64A-4 is amended to read as follows:

Referendum; how conducted.

18A:64A-4. If a proposal for the establishment of a county college is to be submitted to the registered voters of the county, the county clerk shall have published at least 10 days before said general election notice thereof in a newspaper circulating in the county and the county clerk shall have printed or cause to be printed on the official ballot to be used at such general election the following:

If you favor the proposition printed below, make a cross (X), plus (+) or check (✓) mark in the square opposite the word "Yes." If you are opposed thereto, make a cross (X), plus (+) or check (✓) mark in the square opposite the word "No."

	Yes.	Shall a county college be established in pursuant to chapter 64A of Title 18A of the New Jersey Statutes?
	No.	

If a county college is to be established in one county, the name of the county, and if it is to be established in more than one county, the names of the counties, should be inserted in the question.

In any county in which voting machines are used the question shall be placed upon the official ballots to be used upon the voting machines without the foregoing instructions to the voters and shall be voted upon by the use of such machines without marking as aforesaid.

If the question of the establishment of a county college is submitted to the people of the county, that county clerk shall send notice of the results of said election to the commission and the board of chosen freeholders of each of the participating counties.

123. N.J.S.18A:64A-5 is amended to read as follows:

Upon approval, establishment of college in several counties.

18A:64A-5. If at said election the proposal for the establishment of the county college is approved by a majority of all the votes cast both for and against said question in the county, then the board of chosen freeholders shall proceed to establish a county college.

Where the county college is to be established by more than one county, then the boards of chosen freeholders of the participating counties shall not establish a county college until the commission notifies said boards that a similar resolution of the board of chosen freeholders in each participating county has become effective upon the elapse of the 45-day period or the proposal for the establishment of a county college has been approved by a majority of the registered voters of said county at a general election.

124. N.J.S.18A:64A-6 is amended to read as follows:

Upon unfavorable vote, limitations on resubmission.

18A:64A-6. If a majority of the votes in a county are cast against a proposal for the establishment of a county college, the board of chosen freeholders of such county may not establish a county college unless thereafter the board:

- a. Submits a petition to the Commission on Higher Education in accordance with the provisions of section 18A:64A-2, and
- b. Submits a proposal for the establishment of a county college at a general election and has it approved by a majority of the votes of the county voting thereon.

The board of chosen freeholders shall not resubmit a proposal which has been defeated to the voters of the county before the third general election thereafter; however, an alternate proposal may be submitted at any general election.

125. N.J.S.18A:64A-8 is amended to read as follows:

Boards of trustees; apportionment of membership where established in more than one county.

18A:64A-8. For each county college there shall be a board of trustees, consisting of the county superintendent of schools and 10 persons, eight of whom shall be appointed by the appointing authority of the county with the advice and consent of the board of chosen freeholders, at least two of whom shall be women and two of whom shall be appointed by the Governor, according to

criteria and for such initial terms as shall be established. However, no trustee shall be appointed after July 1, 1994 who is an employee of a constituent county. The president of the college shall serve as an ex officio member of the board of trustees without vote. In addition, the student body of each county college shall be entitled to elect from the graduating class one representative to serve as a non-voting member on the board of trustees for a term of one year commencing at the next organization of the board following graduation of his class.

The appointing authority of the county shall establish a trustee search committee of not less than five members who shall be residents of the county. The members of the trustee search committee shall not be elected public officials and shall not be eligible for appointment to the board of trustees for a period of six months after their service on the trustee search committee. The trustee search committee shall nominate individuals for consideration by the appointing authority of the county for appointment to the board of trustees.

When a county college is established by more than one county, the board of trustees shall be increased by two members for each additional participating county. The membership of the board of trustees shall be apportioned by the commission among the several counties as nearly as may be according to the number of inhabitants in each county as shown by the last federal census, officially promulgated in this State. Each apportionment shall continue in effect until a reapportionment shall become necessary by reason of the official promulgation of the next federal census or the enlargement of the board by the admission of one or more additional counties as provided for in section 18A:64A-24. Each county shall be entitled to have at least two members and the county superintendent of the schools of said county on the board of trustees.

126. N.J.S.18A:64A-9 is amended to read as follows:

Qualifications of appointed members of boards, terms of office, etc.; filling vacancies; no compensation of members.

18A:64A-9. Appointed members of the board of trustees shall have been residents of the county for a period of four years prior to said appointment, and no elected public official or employee of the county college shall serve as a voting member of the board. The term of office of appointed members, except for the first

appointments, shall be for four years. Each member shall serve until his successor shall have been appointed and qualified.

Vacancies shall be filled in the same manner as the original appointment for the remainder of the unexpired term. Any appointed member may be removed by the board of chosen freeholders of the appointing county for cause upon notice and opportunity to be heard. Members shall serve without compensation but shall be entitled to be reimbursed for all reasonable and necessary expenses.

A voting member of a board of trustees shall not be eligible to accept employment as an employee of the college at which he has served as a member of the board for a period of two years following resignation or expiration of his term as a member.

In the case of a county college established by one county, the terms of office of members initially appointed to the board of trustees by the appointing authority of the county shall be as follows: two persons shall receive terms of one year; two, terms of two years; two, terms of three years; and two, terms of four years.

In the case of a county college established by more than one county, the terms of the members initially appointed to the board of trustees shall be fixed so that as nearly as possible, one-quarter of the appointed members will receive terms of four years, one-quarter terms of three years, one-quarter terms of two years and the remainder terms of one year. Such terms shall be allocated by the commission among the participating counties, in accordance with the number of members on the board of trustees apportioned to each county, starting with the terms of four years, by allocating one of such terms to each of the participating counties in alphabetical order of the names of such counties, and continuing, still in such order, with the terms of three years, the terms of two years and the terms of one year.

Members initially appointed to the board may serve from the time of their respective appointments, but the term of such office shall be deemed to commence as of November 1 of the year in which the appointment was made.

127. N.J.S.18A:64A-11 is amended to read as follows:

Boards of trustees bodies corporate; designation, custody and responsibility for property and management and control of college; annual report.

18A:64A-11. The board of trustees shall be a body corporate and shall be known as the "board of trustees of" (here insert the name of the county college).

The board of trustees shall have custody of and be responsible for the property of the college and shall be responsible for the management and control of said college. The board shall make an annual report to the Commission on Higher Education and to the board of chosen freeholders of each participating county.

128. N.J.S.18A:64A-12 is amended to read as follows:

General powers of board.

18A:64A-12. For the effectuation of the purposes of this chapter, the board of trustees of a county college in addition to such other powers expressly granted to it by law, is hereby granted the following powers:

- a. To adopt or change the name of the county college;
- b. To adopt and use a corporate seal;
- c. To sue and be sued;
- d. To determine the educational curriculum and program of the college consistent with the programmatic mission of the institution or approved by the Commission on Higher Education;
- e. To appoint and fix the compensation and term of office of a president of the college who shall be the executive officer of the college and an ex officio member of the board of trustees;
- f. To appoint, upon nomination of the president, members of the administrative and teaching staffs and fix their compensation and terms of employment subject to the provisions of N.J.S.18A:64A-13;
- g. To appoint or employ such other officers, agents and employees as may be required to carry out the provisions of this chapter and to fix and determine their qualifications, duties, compensation, terms of office and all other conditions and terms of employment and retention;
- h. To fix and determine tuition rates and other fees to be paid by students;
- i. To grant diplomas, certificates or degrees;
- j. To enter into contracts and agreements with the State or any of its political subdivisions or with the United States, or with any public body, department or other agency of the State or the United States or with any individual, firm or corporation which are deemed necessary or advisable by the board for carrying out the provisions of this chapter;
- k. To accept from any government or governmental department, agency or other public or private body or from any other

source grants or contributions of money or property which the board may use for or in aid of any of its purposes;

l. To acquire (by gift, purchase, condemnation or otherwise), own, lease, use and operate property, whether real, personal or mixed, or any interest therein, which is necessary or desirable for college purposes;

m. To determine that any property owned by the county college is no longer necessary for college purposes and to sell the same at such price and in such manner and upon such terms and conditions as shall be established by the board;

n. To exercise the right of eminent domain, pursuant to the provisions of Title 20, Eminent Domain, of the Revised Statutes, to acquire any property or interest therein;

o. To make and promulgate such rules and regulations, not inconsistent with the provisions of this chapter or with the rules and regulations promulgated hereunder that are necessary and proper for the administration and operation of a county college and to implement the provisions of this chapter;

p. To exercise all other powers, not inconsistent with the provisions of this chapter or with the rules and regulations promulgated hereunder which may be reasonably necessary or incidental to the establishment, maintenance and operation of a county college; and

q. To establish and maintain a dedicated reserve fund for minor capital needs which in any given year shall not exceed 3% of the replacement value of the college's physical plant.

129.N.J.S.18A:64A-14 is amended to read as follows:

Selling, giving or leasing property to boards.

18A:64A-14. Counties, municipalities, school districts or special schools may sell, give or lease any of their property, including county or municipal funds, to the board of trustees of a county college.

130. N.J.S.18A:64A-17 is amended to read as follows:

Method of fixing amounts necessary for operation and capital outlay expenses of college; certification; apportionment between participating counties.

18A:64A-17. On or before February 1 in each year, the board of trustees of the county college shall prepare and deliver to each member of the board of school estimate an itemized statement of the amount of money estimated to be necessary for the operation

and capital outlay expenses for the ensuing year. Said board of trustees shall, at the same time, fix a date, place and time for the holding of a public hearing by the board of school estimate with respect to said itemized statement of the amount of money estimated to be necessary for the operation and capital outlay expenses for the ensuing year and with respect to the various items and purposes for which said money is to be appropriated, which date shall be between February 1 and February 15 and which date shall be not less than seven days after the publication of said itemized statement as herein provided and shall cause notice of such public hearing and said statement to be published at least once in at least one newspaper published in the county not less than seven days prior to the date fixed for such public hearing, and said notice shall also set forth that said itemized statement will be on file and open to examination of the public, between reasonable hours to be fixed therein, and, at a place to be named therein, from the date of said publication until the date of the holding of said public hearing and said board of trustees shall cause said itemized statement to be on file and open to the examination of the public accordingly and to be produced at said public hearing for the information of those attending the same.

On the date and at the time and place so fixed by the board of trustees for such public hearing, the board of school estimate shall at a public hearing grant the taxpayers and other interested persons an opportunity to present objections and to be heard with respect to said itemized statement of the amount of money estimated to be necessary for the operation and capital outlay expenses for the ensuing year and with respect to the various items and purposes for which said money is to be appropriated and at or after said public hearing but not later than February 15 of each year, the board of school estimate shall fix and determine, by official action taken at a public meeting of the board, the amount of money necessary for the operation and capital outlay expenses of the college for the ensuing year, exclusive of the amount to be received from the State and from other sources.

The board of school estimate shall, on or before February 15 of each year, make a certificate of such amount signed by at least a majority of its members. Copies thereof shall be delivered to the board of trustees of the college and to each participating board of chosen freeholders.

In the case of a county college established by more than one county, the amount to be raised for the annual operation and capital outlay expenses shall be apportioned among the participating

counties upon the basis of appropriation valuations, as defined in R.S.54:4-49. In such case, the certificate of the board of school estimate shall certify the proportioned part of the total to be raised by each participating county.

131. N.J.S.18A:64A-19 is amended to read as follows:

Issuance of bonds.

18A:64A-19. (1) Whenever the board of trustees of a county college shall decide that it is necessary to raise money for the purpose of acquiring or improving lands or buildings for use by the college or erecting, enlarging, improving, altering, reconstructing, furnishing or equipping buildings or other structures for use by the college, it may, in lieu of proceeding in accordance with N.J.S.18A:64A-16 and 18A:64A-17, at any time prepare and deliver to each member of the board of school estimate a statement of the estimated cost of such purpose and of the amount of money estimated by the board of trustees to be then needed for such purpose. If the amount of money so estimated shall include any funds expected to be received for said purpose as State or federal aid, such statement shall specify the amount and source of said funds and may include an agreement by the board of trustees to repay the county, out of the said funds when received, for any amounts appropriated by any county for the county college in anticipation of said funds. After receipt of such statement, the board of school estimate shall fix and determine the sum of money then needed for the purpose specified in said statement and the amount thereof to be raised by the participating county or counties which shall, if there be two or more such counties, be apportioned among them upon the basis of apportionment valuations as defined in R.S.54:4-49 and which may include amounts expected to be repaid as aforesaid by the board of trustees. The board of school estimate shall thereupon make a certificate of such sum and amount or amounts signed by at least a majority of its members, and copies thereof and of the statement received from the board of trustees shall be delivered to the board of trustees and to the board of chosen freeholders of each participating county.

(2) The board of chosen freeholders of a participating county upon receipt of any such certificate shall appropriate the amount certified therein for the purpose therein specified, or upon receipt of a certificate as provided in N.J.S.18A:64A-17 shall appropriate the amount of the capital outlay expenses certified therein, either:

(a) By the method provided for in N.J.S.18A:64-18; or

(b) By a bond ordinance authorizing the issuance of bonds or notes of the county to finance such appropriation and purpose adopted in accordance with the limitations and any exceptions thereto, and in the manner or mode of procedure, prescribed by the local bond law, and the sale and issuance of said bonds or notes pursuant to the local bond law; provided, however, that no down payment shall be required and the provisions of N.J.S.40A:2-11 of the local bond law shall not be applicable to such bond ordinance and that the purpose for which the bonds or notes are to be issued may be stated and identified as and shall be the purpose specified in said certificate notwithstanding that the appropriation therefor may be sufficient only for planning or other preliminary or initial expenses in connection therewith or may be made in anticipation of State or federal aid expected to be received for said purpose and applied to repayment to the county.

(3) The proceeds of the sale of such bonds or notes shall be paid to the treasurer of the county college and shall be paid out by him only on the warrants or orders of the board of trustees of the county college. The treasurer shall in no event disburse such proceeds, except to pay and retire any such notes and pay the expenses of issuing and selling such bonds or notes and for the purpose or purposes for which such bonds or notes were issued. If for any reason any part of such proceeds are not applied to or necessary for such purpose or purposes, the board of trustees of the county college may transfer the balance remaining unapplied to the capital outlay account of the county college.

(4) Except with the concurrence and consent of the board of chosen freeholders of the county expressed by resolution, no amount shall be appropriated under this section which, if added to the amount of bonds or notes of the county for county college purposes outstanding or authorized but unissued at the date of such appropriation, shall exceed an amount equal to one half of one per cent of the equalized valuation basis of said county as shown on the annual debt statement of the county last filed pursuant to the local bond law.

132. N.J.S.18A:64A-20 is amended to read as follows:

Emergency appropriation for college purposes.

18A:64A-20. If the board of trustees shall determine that it is necessary in any school year to raise money in addition to the amount in its annual budget for such year for:

(1) current expenses for the operation and maintenance of the college when the amount necessary therefor was underestimated in the budget;

(2) repair or utilization of property destroyed or made unsuitable by accident or other unforeseen cause; or

(3) meeting emergencies arising since the preparation of such budget; the board shall prepare and deliver to each member of the board of school estimate a statement of the amount of money determined to be necessary therefor.

The board of school estimate shall meet within a reasonable time after the delivery of the statement and fix and determine the amount necessary for such purpose or purposes. In the case of a county college established by more than one county, the board shall apportion upon the basis of the apportionment valuations as defined in R.S.54:4-49, such amount among the participating counties. The board shall then certify the amount so determined and apportioned to the board of trustees of the college and to each participating board of chosen freeholders.

The board of chosen freeholders, upon receipt of such certificate, shall appropriate the amount certified therein and shall raise such amount in the manner provided for by N.J.S.18A:64A-18 and 18A:64A-19.

133. N.J.S.18A:64A-21 is amended to read as follows:

First year's estimates of expenses, etc.; preparation, delivery.

18A:64A-21. Notwithstanding the time limitations specified in N.J.S.18A:64A-17, during the calendar year in which the board or boards of chosen freeholders first establish a county college, the board of trustees of the county college may prepare and deliver to the board of school estimate of the college an estimate of the amount necessary to finance the county college until the first regular budget is adopted and available.

The board of school estimate shall meet within a reasonable time after the delivery of said estimate and shall fix and determine the amount necessary to so finance the county college and, if more than one county participated in establishing the county college, shall apportion said amount upon the basis of apportionment valuations as defined in R.S.54:4-49. The board shall then certify the amount so determined to the board of trustees of the college and to the board of chosen freeholders of each participating county.

The board of chosen freeholders shall, upon receipt of the certification, appropriate its share of said amount in the manner provided for by N.J.S.18A:64A-18 and 18A:64A-19.

134. N.J.S.18A:64A-22 is amended to read as follows:

Annual budget requests for State support of colleges.

18A:64A-22. Notwithstanding any other law to the contrary, the Council of County Colleges may submit to the State Treasurer annual budget requests for State support of county colleges. Within the limits of funds appropriated for such purposes, the board of trustees of a county college may based upon the itemized statement fixed and determined pursuant to N.J.S.18A:64A-17 apply to the State Treasurer and receive State support:

a. For capital projects in amounts not to exceed one-half of the cost of said capital projects, and

b. For operational costs to the extent of 43% but not to exceed 50% of the educational and general costs of the county colleges in the base year; provided, however, that for the purposes of determining State aid, only credit courses and noncredit remedial, developmental, general education development and adult basic education courses shall be included in calculating such costs. This sum shall be distributed to the county colleges by the treasurer in consultation with the Council of County Colleges according to a formula that includes categorical support and differential funding based on program costs.

No county college shall receive more than 50% of its projected educational and general costs through the provisions of this act.

Each county which operates a county college shall continue to provide moneys for the support of the college in an amount no less than those moneys provided in the year in which this act is enacted or 25% of the operational expense in the base State fiscal year, whichever is greater.

State support for the operational expenses of county colleges shall be made within limits of State appropriation.

135. Section 1 of P.L.1971, c.12 (C:18A:64A-22.1) is amended to read as follows:

C.18A:64A-22.1 County college capital project aid.

1. Whenever the funds appropriated are insufficient to satisfy the State's share of capital projects for county colleges pursuant to N.J.S.18A:64A-22, additional State support for such projects shall be made available to counties in which county colleges are located for the payment of interest and principal on bonds entitled to the benefits of this act and interest on notes issued in anticipation thereof, provided that the total principal amount of such bonds shall not exceed \$80,000,000.00.

136. Section 2 of P.L.1971, c.12 (C.18A:64A-22.2) is amended to read as follows:

C.18A:64A-22.2 Action by State Treasurer.

2. Whenever the State Treasurer shall determine that he is unable to provide State support for a capital project of a county college pursuant to N.J.S.18A:64A-22 within the limit of available State appropriations, the State Treasurer shall determine the amount of bonds entitled to the benefits of this act and not theretofore allocated to another capital project. The State Treasurer shall determine the necessity or advisability of making available additional State support for the capital project. To the extent he determines additional support is necessary or advisable, he shall certify to the board of chosen freeholders of the county in which said capital project is located the amount of bonds which shall be entitled to the benefits of this act, which amount shall not exceed the amount of bonds entitled to the benefit of this act and not theretofore allocated to another capital project. A copy of such certification shall be filed by the State Treasurer with the Director of the Division of Local Finance.

137. N.J.S.18A:64A-23 is amended to read as follows:

Acceptance of students residing in other counties; required certificates; charges to home counties.

18A:64A-23. a. Each county college shall, to the extent its facilities will permit accept students who are residents of any other county in the State.

b. Any person desiring to enroll in a county college as a nonresident student shall apply to the chief fiscal officer of his county of residence for a certificate of residence showing that said person is a resident of said county. The chief fiscal officer of each county shall, upon application and submission to him of satisfactory evidence of such residence,

issue said certificate provided that (1) the county does not sponsor a county college or contribute to the support of a county assisted college, or (2) the local county or county assisted college certifies that it does not offer the particular course or program of study desired by the applicant, or (3) the local county or county assisted college certifies that it cannot admit the applicant into a particular course or the desired program of study, pursuant to criteria established by the Commission on Higher Education. If the chief fiscal officer of a county refuses to issue such a certificate, the applicant may appeal to the board of chosen freeholders of the county within 10 days of the receipt of notice of such refusal. The board of chosen freeholders shall make a determination after a hearing, upon 10 days' notice to such chief fiscal officer and the applicant, and such determination shall be final and binding on the county.

Upon his registration for each college year, the nonresident student shall file with the college such a certificate of residence issued not earlier than two months prior thereto and such certificate of residence shall be valid for the current or next academic year succeeding the date of issuance, as the case may be.

c. Any county college so admitting nonresident students shall charge to and collect from each county within the State which has issued a certificate or certificates of residence pursuant to subsection b. and on the basis of which such nonresident students are attending such college, the sending county's share of the operating expenses of such county college, as certified by the board of school estimate and as paid by the receiving county for resident students, computed on a per full-time equated (FTE) student basis and multiplied by cost ratios as determined by the State Treasurer pursuant to N.J.S.18A:64A-22 for various instructional categories. Any county college shall additionally charge and collect the sum of \$1.00 per credit hour for each student so enrolled to compensate for minor capital costs of the college.

d. Within 10 days after the commencement of each college term, the county college shall charge the county's per FTE student share of operating expenses of such college for that term as aforesaid to each county which has issued a certificate or certificates of residence pursuant to subsection b., on the basis of which nonresident students are attending such county college. The amount so charged to the county issuing the certificate or certificates shall be paid within 30 days of the date of the billing.

138. Section 4 of P.L.1983, c.470 (C.18A:64A-23.4) is amended to read as follows:

C.18A:64A-23.4 Rules, regulations.

4. The Commissioner of Labor shall promulgate rules and regulations necessary to effectuate the purposes of this act. Regulations of the State Board of Higher Education implementing this act shall remain in full force and effect until modified or repealed by the Commissioner of Labor.

139. N.J.S.18A:64A-24 is amended to read as follows:

Joinder in operation of county colleges by other counties.

18A:64A-24. If the board of trustees of a county college shall determine that it is in the best interest of the college to allow one or more additional counties to join in the operation of said county college and the board or boards of chosen freeholders of the county or counties then operating the county college shall approve, said board of trustees shall fix the terms and conditions under which said additional county or counties may participate in the operation of the county college.

140. Section 2 of P.L.1982, c.189 (C.18A:64A-25.2) is amended to read as follows:

C.18A:64A-25.2 Definitions.

2. As used in this article, unless the context otherwise indicates:
 - a. "Board of trustees" means the board of trustees of a county college and the community college commission of a community college agency;
 - b. "County college" means any body corporate known as
 - (1) the board of trustees of a county college established pursuant to chapter 64A of Title 18A of the New Jersey Statutes, or
 - (2) the community college commission of a community college agency established pursuant to P.L.1974, c.89 (C.18A:64A-30 et seq.);
 - c. "Contracting agent" means the business officer of the county college having the power to prepare advertisements to advertise for and receive bids and to make awards for the county college in connection with the purchases, contracts or agreements permitted by this article, or such officer, committee or employee to whom such power has been delegated by the county college;
 - d. "Contracts" mean contracts or agreements for the performance of work or the furnishing or hiring of services, materials or supplies as distinguished from contracts of employment;
 - e. "Legal newspaper" means a newspaper circulating in the county or counties in which the county college has been estab-

lished, printed and published in the English language at least once a week for at least one year continuously;

f. "Materials" include goods and property subject to chapter 2 of Title 12A of the New Jersey Statutes, apparatus or any other tangible thing except real property or any interest therein;

g. "Extraordinary unspecifiable services" mean services or products which cannot be reasonably described by written specifications;

h. "Professional services" mean services rendered or performed by a person authorized by law to practice a recognized profession and whose practice is regulated by law and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction or apprenticeship and training. Professional services also mean services rendered in the performance of work that is original and creative in character in a recognized field of artistic endeavor;

i. "Project" means any work, undertaking, construction or alteration;

j. "Purchases" are transactions, for a valuable consideration, creating or acquiring an interest in goods, services and property, except real property or any interest therein;

k. "Work" includes services and any other activity of a tangible or intangible nature performed or assumed pursuant to a contract or agreement with a county college.

141. Section 3 of P.L.1982, c.189 (C.18A:64A-25.3) is amended to read as follows:

C.18A:64A-25.3 Purchases, contracts and agreements not requiring advertising.

3. a. Any purchase, contract or agreement for the performance of any work or the furnishing or hiring of materials or supplies, the cost or price of which, together with any sums expended for the performance of any work or services in connection with the same project or the furnishing of similar materials or supplies during the same fiscal year, paid with or out of college funds, does not exceed the total sum of \$7,500.00 or, commencing January 1, 1985, the amount determined pursuant to subsection b. of this section in any fiscal year may be made, negotiated and awarded by a contracting agent, when so authorized by resolution of the board of trustees of the county college, without public advertising for bids and bidding therefor.

b. Commencing January 1, 1985 and every two years thereafter, the Governor, in consultation with the Department of the Treasury, shall adjust the threshold amount set forth in subsection a. of this section in direct proportion to the rise or fall of the Consumer Price Index for all urban consumers in the New York and Northeastern New Jersey and the Philadelphia areas as reported by the United States Department of Labor. The adjustment shall become effective on July 1 of the year in which it is reported.

c. Any purchase, contract or agreement made pursuant to this section may be awarded for a period of 12 consecutive months, notwithstanding that such 12-month period does not coincide with the fiscal year.

142. Section 5 of P.L.1982, c.189 (C.18A:64A-25.5) is amended to read as follows:

C.18A:64A-25.5 Exceptions to requirement for advertising.

5. Any purchase, contract or agreement of the character described in section 4 may be made, negotiated or awarded by the county college by resolution at a public meeting of its board of trustees without public advertising for bids or bidding therefor if:

a. The subject matter thereof consists of:

(1) Professional services; or

(2) Extraordinary unspecifiable services and products which cannot reasonably be described by written specifications, subject however, to procedures consistent with open public bidding whenever possible; or

(3) Materials or supplies which are not available from more than one potential bidder, including without limitation materials or supplies which are patented or copyrighted; or

(4) The doing of any work by employees of the county college; or

(5) The printing of all legal notices and legal briefs, records and appendices to be used in any legal proceeding to which the county college may be a party; or

(6) Textbooks, copyrighted materials, student produced publications and services incidental thereto, library materials including without limitation books, periodicals, newspapers, documents, pamphlets, photographs, reproductions, microfilms, pictorial or graphic works, musical scores, maps, charts, globes, sound recordings, slides, films, filmstrips, video and magnetic tapes, other printed or published matter and audiovisual and other mate-

rials of a similar nature, necessary binding or rebinding of library materials and specialized library services; or

(7) Food supplies and services including food supplies and management contracts for student centers, dining rooms and cafeterias; or

(8) The supplying of any product or the rendering of any service by the public utility which is subject to the jurisdiction of the Board of Public Utilities, in accordance with tariffs and schedules of charges made, charged and exacted, filed with said board; or

(9) Equipment repair service if in the nature of an extraordinary unspecifiable service and necessary parts furnished in connection with such services; or

(10) Specialized machinery or equipment of a technical nature which will not reasonably permit the drawing of specifications, and the procurement thereof without advertising is in the public interest; or

(11) Insurance, including the purchase of insurance coverage and consulting services, which exceptions shall be in accordance with the requirements for extraordinary unspecifiable services; or

(12) Publishing of legal notices in newspapers, as required by law; or

(13) The acquisition of artifacts or other items of unique intrinsic, artistic or historic character; or

(14) The collection of amounts due on student loans, including without limitation loans guaranteed by or made with funds of the United States of America; or

(15) Professional consulting services; or

(16) Entertainment, including without limitation theatrical presentations, band and other concerts, movies and other audiovisual productions; or

(17) Contracts employing funds created by student activities fees charged to students or otherwise raised by students, not under the direct control of the college and expended by student organizations; or

(18) Printing, including without limitation catalogs, yearbooks and course announcements; or

(19) Data processing, software programs, systems and service and the rental or lease of data processing equipment; or

(20) Personnel recruitment and advertising, including without limitation advertising seeking student enrollment; or

(21) Educational supplies, books, articles of clothing and other miscellaneous articles purchased by a county college bookstore, or by a service or management company under contract with a

county college to operate a county college book store for resale to college students and employees; or

(22) Purchase or rental of graduation caps and gowns and award certificates or plaques.

b. It is to be made or entered into with the United States of America, the State of New Jersey, a county or municipality or any board, body, or officer, agency or authority or any other state or subdivision thereof.

c. The county college has advertised for bids pursuant to section 4 of P.L.1982, c.189 (C.18A:64A-25.4) on two occasions and (i) has received no bids on both occasions in response to its advertisement, or (ii) has rejected such bids on two occasions because the county college has determined that they are not reasonable as to price, on the basis of cost estimates prepared for or by the county college prior to the advertising therefor, or have not been independently arrived at in open competition, or (iii) on one occasion no bids were received pursuant to (i) and on one occasion all bids were rejected pursuant to (ii), in whatever sequence; any such contract or agreement may then be negotiated by a two-thirds affirmative vote of the authorized membership of the board of trustees authorizing such contract or agreement; provided, however, that:

(1) A reasonable effort is just made by the contracting agent to determine that the same or equivalent materials or supplies at a cost which is lower than the negotiated price are not available from any agency or authority of the United States, the State of New Jersey or of the county in which the county college is located, or any municipality in close proximity to the county college;

(2) The terms, conditions, restrictions and specifications set forth in the negotiated contract or agreement are not substantially different from those which were the subject of competitive bidding pursuant to section 4 of P.L.1982, c.189 (C.18A:64A-25.4); and

(3) Any minor amendment or modification of any of the terms, conditions, restrictions and specifications, which were the subject of competitive bidding pursuant to section 4 of P.L.1982, c.189 (C.18A:64A-25.4), shall be stated in the resolution awarding such contract or agreement; provided, further, however, that if on the second occasion the bids received are rejected as unreasonable as to price, the county college shall notify each responsible bidder submitting bids on the second occasion of its intention to negotiate and afford each such bidder a reasonable opportunity to negotiate, but the county college shall not award such contract or agreement unless the negotiated price is lower than the lowest

rejected bid price submitted on the second occasion by a responsible bidder is the lowest negotiated price offered by any responsible vendor, and is a reasonable price for such work, materials, supplies or services.

Whenever a county college shall determine that a bid was not arrived at independently in open competition pursuant to subsection c. (ii) of this section, it shall thereupon notify the county prosecutor of the county in which the county college is located and the Attorney General of the facts upon which its determination is based and, when appropriate, it may institute appropriate proceedings in any State or federal court of competent jurisdiction for a violation of any State or federal antitrust law or laws relating to the unlawful restraint of trade.

143. Section 7 of P.L.1982, c.189 (C.18A:64A-25.7) is amended to read as follows:

C.18A:64A-25.7 Contracts not to be divided.

7. No purchase, contract or agreement which is single in character or which necessarily or by reason of the quantities required to effectuate the purpose of the purchase, contract or agreement includes the furnishing of additional services or equipment or buying materials or supplies or the doing of additional work, shall be subdivided so as to bring it or any of the parts thereof under the maximum price or cost limitation set forth in section 3 of P.L.1982, c.189 (C.18A:64A-25.3), thus dispensing with the requirement of public advertising and bidding therefor. Where the doing of any work is included in or incident to the performance or completion of any project which is single in character or inclusive of the furnishing of additional work, materials or supplies or which requires the furnishing of more than one article of materials or supplies, all of the work, materials or supplies requisite for the completion of such project shall be included in one purchase, contract or agreement.

144. Section 28 of P.L.1982, c.189 (C.18A:64A-25.28) is amended to read as follows:

C.18A:64A-25.28 Duration of certain contracts.

28. Duration of certain contracts. A county college may only enter into a contract exceeding 12 consecutive months for the:

a. Supplying of:

(1) Fuel for heating purposes for any term not exceeding in the aggregate three years; or

(2) Fuel or oil for use in automobiles, autobuses, motor vehicles or equipment for any term not exceeding in the aggregate three years; or

b. Plowing and removal of snow and ice for any term not exceeding in the aggregate three years; or

c. Collection and disposal of garbage and refuse for any term not exceeding in the aggregate three years; or

d. Data processing programs, systems and services or rental or lease of data processing equipment for any term of not more than five years; or

e. Insurance, including the purchase of insurance coverages, insurance consultant or administrative services, and including participation in a joint self-insurance fund, risk management programs or related services provided by a county college insurance group, or participation in an insurance fund established by a county pursuant to N.J.S.40A:10-6, for any term of not more than three years; or

f. Leasing or service of automobiles, motor vehicles, electronic communications equipment, machinery and equipment of every nature and kind for any term not exceeding in the aggregate five years; or

g. Supplying of any product or rendering of any service by a telephone company which is subject to the jurisdiction of the Board of Public Utilities, for a term not exceeding five years; or

h. The providing of food supplies and services, including food supplies and management contracts for student centers, dining rooms and cafeterias, for a term not exceeding three years; or

i. The performance of work or services or the furnishing of materials or supplies for the purpose of conserving energy in buildings owned by, or operations conducted by, the contracting unit, the entire price of which is to be established as a percentage of the resultant savings in energy costs, for a term not exceeding 10 years; provided that a contract is entered into only subject to and in accordance with rules and regulations adopted by the Department of Commerce, Energy and Economic Development establishing a methodology for computing energy cost savings; or

j. Any single project for the construction, reconstruction or rehabilitation of a public building, structure or facility, or a public works project including the retention of the services of an architect or engineer in connection with the project, for the length of time necessary for the completion of the actual construction; or

k. The management and operation of bookstores for a term not exceeding five years; or

1. Custodial or janitorial services for any term not exceeding in the aggregate three years.

All multi-year leases and contracts entered into pursuant to this section, except contracts for the leasing or servicing of equipment supplied by a telephone company which is subject to the jurisdiction of the Board of Public Utilities, or contracts and agreements for the provision of work or the supplying of equipment to promote energy conservation and authorized pursuant to subsection i. of this section, and except contracts for insurance coverages, insurance consultant or administrative services, participation or membership in a joint self-insurance fund, risk management programs or related services of a county college insurance group, and participation in an insurance fund established by a county pursuant to N.J.S.40A:10-6 or a joint insurance fund established pursuant to P.L.1983, c.372 (C.40A:10-36 et seq.), shall contain a clause making them subject to the availability and appropriation annually of sufficient funds to meet the extended obligation or contain an annual cancellation clause.

145. Section 30 of P.L.1982, c.189 (C.18A:64A-25.30) is amended to read as follows:

C.18A:64A-25.30 No action for damages for action by officials.

30. No action for damages shall lie against the Board of Higher Education, the Commission on Higher Education, the Presidents' Council, any State official, any county college or its board of trustees or any of its officers because of any action taken by virtue of the provisions of this article.

146. N.J.S.18A:64A-27 is amended to read as follows:

Membership; alternates; compensation.

18A:64A-27. The council shall consist of the presidents and chairmen of the boards of trustees of the several county community colleges and of the county college commissions. A trustee board chairman may designate another member of the board as an alternate to attend and to vote at council meetings in the chairman's absence.

Members shall serve without compensation but shall be entitled to be reimbursed for all reasonable and necessary expenses.

147. N.J.S.18A:64A-28 is amended to read as follows:

Annual organization meeting.

18A:64A-28. The council shall organize annually by the election of a chairman, vice chairman and such other officers as the

council shall determine. Such officers shall serve until the following annual organizational meeting and until their successors are elected and qualified. Vacancies in such offices shall be filled in the same manner for the unexpired terms only. The council may also meet at such other times and at such places within the State as it shall deem necessary.

148. Section 8 of P.L.1989, c.141 (C.18A:64A-28.4) is amended to read as follows:

C.18A:64A-28.4 Improvement of county college education.

8. The council shall encourage and aid movements which it deems necessary for the improvement of county college education and shall, from time to time, make recommendations to the Governor, Legislature and Commission on Higher Education regarding the coordination of the county colleges on matters of mutual interest and concern.

149. N.J.S.18A:64A-29 is amended to read as follows:

Purpose.

18A:64A-29. The council will seek to ensure acceptable and effective lines of development in admissions policy, academic standards, programs, financing, and community relations in the several county colleges.

The council will serve as a means of communication between the county colleges, and act as a resource center to aid them in planning, act as a clearing house of information, and provide continuing field services.

The council will act as an advisory body to the Governor, Legislature, Commission on Higher Education and Presidents' Council in the carrying out of their respective duties and responsibilities deriving from this chapter.

150. Section 1 of P.L.1974, c.89 (C.18A:64A-30) is amended to read as follows:

C.18A:64A-30 Community college agency; establishment.

1. The board of chosen freeholders of any county which has not established a county college may, with the consent of the Commission on Higher Education, establish a community college agency.

151. Section 3 of P.L.1974, c.89 (C.18A:64A-32) is amended to read as follows:

C.18A:64A-32 Community college commission; membership; vacancies; compensation.

3. The community college commission shall consist of the county superintendent of schools and nine public members who are residents of the county and have resided therein for a period of four years prior to their appointment having no official connection with educational institutions contracting with the commission. No elected public official shall serve as a voting member of the commission. The president of the commission shall be an ex officio member of the commission without vote.

Seven of the public members shall be appointed by the appointing authority of the county, with the advice and consent of the board of chosen freeholders, and two of the members shall be appointed by the Governor, for such initial terms as shall be established by the board. Members shall be appointed for terms of four years each, except that the initial appointments shall be made in four classes as nearly equal as possible in number, one class to serve for one year, one class to serve for two years, one class to serve for three years, and one class to serve for four years. The term of all members of the commission shall begin on July 1. Members initially appointed to the commission may serve from the time of their respective appointments, but the term of such office shall be deemed to commence as of July 1 of the year in which the appointment was made. Each member shall serve until his successor shall have been appointed and qualified. Vacancies shall be filled in the same manner as the original appointments and for the remainder of the unexpired terms. Any appointed member may be removed by the appointing authority of the county for cause upon notice and opportunity to be heard. The members of the commission shall serve without compensation for their services, but shall be entitled to receive reimbursement for all reasonable and necessary expenses incurred by virtue of services as a member of the commission.

A voting member of a community college commission shall not be eligible to accept employment of the college at which he has served as a member of the commission for a period of two years following resignation or expiration of his term as a member.

The appointing authority of the county shall establish a trustee search committee of not less than five members who shall be residents of the county. The members of the trustee search committee shall not be elected public officials and shall not be eligible for appointment to the board of trustees for a period of

six months after their service on the trustee search committee. The trustee search committee shall nominate persons for consideration by the appointing authority of the county for appointment to the board of trustees.

152. Section 7 of P.L.1974, c.89 (C.18A:64A-36) is amended to read as follows:

C.18A:64A-36 Annual report.

7. The commission shall make an annual report on academic and fiscal affairs to the board of chosen freeholders, and annually recommend the funds necessary to be included in the county budget pursuant to N.J.S.18A:64A-15 through 20 for the purpose of public higher education in accordance with the needs for support and facilities as determined by the commission. The first year's estimate of expenses shall be prepared and delivered pursuant to N.J.S.18A:64A-21.

153. Section 8 of P.L.1974, c.89 (C.18A:64A-37) is amended to read as follows:

C.18A:64A-37 Eligibility for State and federal support.

8. A community college commission shall be eligible to receive State support for operational and capital costs pursuant to N.J.S.18A:64A-22, and to the extent State concurrence may be required, any federal support that may be available under the higher education assistance acts or any other appropriate federal acts. Nothing in this act shall prevent the commission from receiving any other public funds that may be available.

154. Section 1 of P.L.1982, c.42 (C.18A:64A-50) is amended to read as follows:

C.18A:64A-50 Referendum unnecessary.

1. Notwithstanding any provisions of chapter 64A of Title 18A of the New Jersey Statutes to the contrary, any private institution of higher education and any post-secondary institute of a county board of vocational education may, prior to July 1, 1994, combine to form a county college without the need of a referendum.

155. Section 6 of P.L.1982, c.42 (C.18A:64A-55) is amended to read as follows:

C.18A:64A-55 Membership of board of trustees.

6. The board of trustees shall include seven public trustees, consisting of the county superintendent of schools, four members appointed by the board of chosen freeholders, and two citizens of the county appointed by the Governor, and four trustees appointed by the board of governors from among its members. However, no trustee shall be appointed after July 1, 1994 who is an employee of a constituent county. In addition, the student body shall be entitled to elect from the graduating class one representative to serve as a non-voting member of the board of trustees for a term of one year commencing at the next organization of the board following graduation of his class.

All appointive members shall be residents of the county for a period of four years prior to appointment and no elected public official or employee of the county college shall serve as a voting member of the board. The terms of office of the appointive members shall be four years, except for the first appointment. Terms of those initially appointed by the chairman of the board of chosen freeholders shall expire, respectively, one, two, three and four years after appointment. Of those appointed by the Governor, one person shall be appointed for a term of two years and one for a term of four years. Of the members appointed by the board of governors, one person shall be appointed for a term of one year, one for a term of two years, one for a term of three years, and one for a term of four years.

Each member shall serve until his successor is appointed and qualified.

Vacancies shall be filled in the same manner as the original appointment for the unexpired term. Upon notice and opportunity to be heard, an appointee may be removed for cause by the body originally making the appointment. Members shall serve without compensation but shall be entitled to be reimbursed for all reasonable and necessary expenses.

156. Section 8 of P.L.1982, c.42 (C.18A:64A-57) is amended to read as follows:

C.18A:64A-57 Authority of board of trustees.

8. The board of trustees shall have general supervision over and be vested with the conduct of the college. It shall have the authority and responsibility to:

- a. Adopt and use a corporate seal;
- b. Sue or be sued;

c. Determine the educational curriculum and program of the college;

d. With the advice and consent of the board of governors, upon expiration of the term of the current president of the private institution, appoint and fix the compensation and term of office of a president of the college, who shall be the executive officer of the college;

e. Appoint, upon nomination of the president, members of the administrative and teaching staff and fix their compensation and terms of employment, subject to the provisions of general law;

f. Employ other officers, agents and employees, as may be required to carry out the provisions of this act and fix and determine their qualifications, duties, compensation, terms of office and all other conditions and terms of employment;

g. Fix and determine tuition rates and other fees to be paid by students;

h. Grant diplomas, certificates or degrees;

i. Enter into contracts and agreements with the State or any of its political subdivisions or with the United States, or with any public body, department or other agency of the county, State or United States, or with any individual firm or corporation, which is deemed necessary or advisable by the board for carrying out the provisions of this act;

j. Accept from any government or governmental department, agency or other public or private body or from any other source grants or contributions of money or property, which the board of trustees may use for its purposes;

k. Disburse all moneys appropriated to the college by the county and State, moneys received from tuition, fees, auxiliary services and other sources, and from or by the direction of the board of governors;

l. Direct and control the expenditures of the college as to funds received from the board of governors and other sources in accordance with the terms of any applicable trusts, gifts, bequests, or other special provisions;

m. Acquire by gift, purchase, condemnation or otherwise, own, lease, use and operate property, whether real, personal or mixed, or any interest therein, which is necessary or desirable for college purposes;

n. Determine that any property owned and controlled by the board of trustees of the county college is no longer necessary for college purposes and sell the same at the price and in the manner and upon the terms and conditions as shall be established by the board;

- o. Make and promulgate rules and regulations not inconsistent with the provisions of general law or of this act or with the rules and regulations promulgated hereunder that are necessary and proper for the administration or operation of the county college;
- p. Exercise all other powers not inconsistent with the provisions of this act or with rules and regulations promulgated hereunder, or with general law, which may be reasonable, necessary or incidental to the establishment, maintenance and operation of a county college; and
- q. Establish and maintain a dedicated reserve fund for minor capital needs, which in any given year shall not exceed 3% of the replacement value of the college's physical plant.

157. Section 10 of P.L.1982, c.42 (C.18A:64A-59) is amended to read as follows:

C.18A:64A-59 Utilization of privately donated properties and funds.

10. In consideration of the utilization by the county for purposes of higher education of privately donated properties and funds and the prospect of future private donations, the State and the county by this act agree with the current board of trustees and its successor that:

- a. If the property and funds controlled by the current trustees and its successor board of governors is not properly applied in accordance with the provisions of section 8 of this act for the purposes of higher education and in accordance with the terms of any applicable testament or trust or other special provisions; or
- b. if the county shall not make provisions sufficient to enable the current board of trustees and its successors to discharge its trust to apply the trust assets as described in section 9 of this act for public higher education through the conduct of a college with high educational standards, then the board of governors, after consideration and on not less than 60 days' prior written notice to the board of trustees and to the Governor, shall have and may exercise the right to withhold or withdraw the use of the properties and funds described in section 9 of this act or any part thereof, subject to adjudication by the courts of the State and subject to their proper application for the purposes of public higher education and in accordance with the terms of any applicable testamentary trust or other special provision.

158. Section 12 of P.L.1982, c.42 (C.18A:64A-61) is amended to read as follows:

C.18A:64A-61 Annual report.

12. In accordance with law, the board of trustees shall make an annual report to the board of chosen freeholders of the county.

159. Section 27 of P.L.1982, c.42 (C.18A:64A-76) is amended to read as follows:

C.18A:64A-76 Powers of Governor.

27. This act shall not abrogate the powers of the Governor to supervise and control the college in accordance with existing law.

160. N.J.S.18A:64E-5 is amended to read as follows:

Powers and duties of board.

18A:64E-5. The board of trustees shall have control of the buildings and grounds owned and used by such schools, the application of the funds for the support thereof, the regulation of the tuition fees, the appointment and removal of teachers, the power to prescribe the studies and exercise of the school, and rules for its management, to grant certificates of graduation, to appoint some suitable person treasurer of the board, and to frame and modify at pleasure such rules as it may deem necessary for its own government. It shall report annually to the Commission on Higher Education and to the board of education of the municipality its own doings and the progress and condition of the schools.

161. N.J.S.18A:64F-1 is amended to read as follows:

Definitions.

18A:64F-1. As used in this chapter:

(a) "Student" means any full-time student who is a resident of this State and who enters a school of professional nursing to begin a program of nursing instruction or any part-time student who is a resident of this State who enters an upper division program of nursing instruction in a school of professional nursing;

(b) "Operational expense" means those funds devoted to or required for the regular or ordinary expense of the school of professional nursing, including administration, maintenance and salary expenses;

(c) "School of professional nursing" means a school in New Jersey offering a program of nursing instruction not exceeding four years beyond high school, which is affiliated with a hospital and holds a certificate of accreditation issued by the New Jersey Board of Nursing, provided that said school is not eligible to receive State aid for its nursing program under any other law.

162. N.J.S.18A:64F-2 is amended to read as follows:

Application for State support; form of application; certificate of accreditation by New Jersey board of nursing.

18A:64F-2. A school of professional nursing may apply for and receive State aid towards the operational expense of said school. The application shall be upon forms prepared and provided by the State Treasurer and shall contain such information as the treasurer shall require. Each application shall be first submitted to the New Jersey board of nursing which shall certify thereon whether said school is accredited and whether or not said accreditation has been suspended or revoked.

163. N.J.S.18A:64F-3 is amended to read as follows:

Operational support by State; limitation.

18A:64F-3. Within the limits of funds appropriated for said purpose, any school of professional nursing whose application has been approved by the State Treasurer shall be entitled to receive State aid for the operational expense of the school to the extent of one-half thereof or \$600.00 per full-time student, whichever is the lesser amount and a pro rata amount for part-time students.

164. Section 2 of P.L.1970, c.102 (C.18A:64G-2) is amended to read as follows:

C.18A:64G-2 Findings.

2. The Legislature and Governor of the State of New Jersey hereby find that the establishment and operation of programs of medical, dental, nursing, health related professions and health sciences education is in the best interest of the State to provide greater numbers of trained medical personnel to assist in the staffing of the hospitals and public institutions and agencies of the State and to prepare greater numbers of students for the general practice of medicine, dentistry, nursing and the health related professions, and find, declare and affirm, as a matter of public policy of the State, that it is the responsibility of the State to provide funds necessary to establish and operate such programs of education, in the most economical and efficient manner, and that, in furtherance of such policy, the school of medicine heretofore established by Rutgers, The State University, (hereinafter called the "Rutgers Medical School") and the New Jersey College of Medicine and Dentistry shall be combined into a single entity to be known as the University of Medicine and Dentistry of New Jersey.

The university shall be comprised of the Graduate School of Biomedical Sciences, the School of Health Related Professions, the New Jersey Dental School, the School of Osteopathic Medicine, the New Jersey Medical School and the Robert Wood Johnson Medical School, and all other departments or schools established by the university in accordance with law.

The Legislature and Governor further find and declare that the continuing development of the university as a premier academic health center, able to provide state of the art education, research and patient care services and able to fully participate in today's health-care environment, is in the best interest of the State. Because of the importance of each element of the health-care delivery system, it is the university's obligation to monitor, to identify and to coordinate with the appropriate State agencies and boards to meet the health-care manpower needs of New Jersey as they arise. A key element necessary to the achievement of many of these goals is the structural flexibility to form productive and varied relationships with other health-care organizations, research institutions and private individuals, firms and corporations.

The Legislature and Governor further find that such public-private relationships should be encouraged since these cooperative efforts will enable the university to supplement the resources available from the State and thereby provide the university with an economic and efficient means to develop and offer an appropriate range of health-care services.

165. Section 3 of P.L.1970, c.102 (C.18A:64G-3) is amended to read as follows:

C.18A:64G-3 "University of Medicine and Dentistry of New Jersey" established.

3. There is hereby established a body corporate and politic to be known as the "University of Medicine and Dentistry of New Jersey." The exercise by the university of the powers conferred by this act in the presentation and operation of programs of medical, dental, nursing and health related professions and health sciences education shall be deemed to be public and essential governmental functions necessary for the welfare of the State and the people of New Jersey.

166. Section 22 of P.L.1981, c.325 (C.18A:64G-3.6) is amended to read as follows:

C.18A:64G-3.6 Powers of Chairman of Commission on Higher Education.

22. The general powers of supervision and control of the Chairman of the Commission on Higher Education at the request of the Governor over the University of Medicine and Dentistry of New Jersey include the power to visit the university to examine into its manner of conducting its affairs and to enforce an observance of its laws and regulations and the laws of the State.

167. Section 7 of P.L.1992, c.84 (C.18A:64G-3.9) is amended to read as follows:

C.18A:64G-3.9 Awarding of degrees.

7. a. Except in the case of existing university programs, the university shall award associate degrees only in new programs jointly proposed and implemented with institutions fully authorized and accredited to award degrees at that level.

b. For the awarding of the baccalaureate degree, the university shall develop and maintain joint degree programs for health related professions and new nursing education programs with fully authorized and accredited institutions and shall be limited to offering upper division courses. Exceptions may be made with the approval of the Commission on Higher Education, except as provided in this act. In instances where the university has been authorized to offer a baccalaureate degree program jointly with another institution, it may independently award a second baccalaureate degree for that program for students who enter the program already possessing a baccalaureate degree from a regionally accredited college or university.

168. Section 4 of P.L.1970, c.102 (C.18A:64G-4) is amended to read as follows:

C.18A:64G-4 Board of trustees; membership; appointment, terms, vacancies, oath, removal, meetings, officers, committees.

4. a. The government, control, conduct, management and administration of the university shall be vested in the board of trustees of the university. The membership of the board of trustees shall consist of the Commissioner of Health, who shall serve ex officio, without vote, and 11 voting members, each of whom shall be appointed by the Governor, with the advice and consent of the Senate, for a term of five years and shall serve until his successor is appointed and has qualified. Any vacancies in the voting membership of the board occurring other than by expiration of term shall be filled in the same manner as the original

appointment but for the unexpired term only. Each voting member of the board of trustees before entering upon his duties shall take and subscribe an oath to perform the duties of his office faithfully, impartially and justly to the best of his ability. A record of such oath shall be filed in the office of the Secretary of State. Each voting member of the board may be removed from office by the Governor, for cause, after a public hearing.

b. The members of the board of trustees shall meet at the call of the Governor for purposes of organizing. The board shall thereafter meet at such times and places as it shall designate.

c. The Governor shall designate one of the voting members as chairman of the board. The board shall select such other officers from among its members as shall be deemed necessary.

d. The board shall have the power to appoint and regulate the duties, functions, powers and procedures of committees, standing or special, from its members and such advisory committees or bodies, as it may deem necessary or conducive to the efficient management and operation of the university, consistent with this act and other applicable statutes.

169. Section 6 of P.L.1970, c.102 (C.18A:64G-6) is amended to read as follows:

C.18A:64G-6 Powers and duties of board.

6. The board of trustees of the university shall have the general supervision over and be vested with the conduct of the university, including its health care facilities regardless of the source of funding. It shall have the power and duty to:

- (a) Adopt and use a corporate seal;
- (b) Determine the educational curriculum and program of the university;
- (c) Determine policies for the organization, administration, and development of the university;
- (d) Study the educational and financial needs of the university, annually acquaint the Governor and Legislature with the condition of the university, and prepare and submit an annual request for appropriation to the Division of Budget and Accounting in the Department of the Treasury in accordance with law;
- (e) Disburse all moneys appropriated to the university by the Legislature and all moneys received from tuition, fees, auxiliary services and other sources;

(f) Direct and control expenditures and transfers of funds appropriated to the university in accordance with the provisions of the State budget and appropriation acts of the Legislature, and, as to funds received from other sources, direct and control expenditures and transfers in accordance with the terms of any applicable trusts, gifts, bequests, or other special provisions, reporting changes and additions thereto and transfers thereof to the Director of the Division of Budget and Accounting in the Department of the Treasury. All accounts of the university shall be subject to audit by the State at any time;

(g) In accordance with the provisions of the State budget and appropriation acts of the Legislature, appoint and fix the compensation and term of office of a president of the university who shall be the executive officer of the university;

(h) In accordance with the provisions of the State budget and appropriation acts of the Legislature, appoint, upon nomination of the president, such deans and other members of the academic, administrative and teaching staffs as shall be required and fix their compensation and terms of employment;

(i) In accordance with the provisions of the State budget and appropriation acts of the Legislature, appoint, remove, promote and transfer such other officers, agents, or employees as may be required to carry out the provisions of this act and assign their duties, determine their salaries, and prescribe qualifications for all positions and in accordance with the salary schedules of the Civil Service Commission wherever possible;

(j) Fix and determine tuition rates, and other fees to be paid by students;

(k) Grant diplomas, certificates or degrees;

(l) Enter into contracts and agreements with the State or any of its political subdivisions or with the United States, or with any public body, department or other agency of the State or the United States or with any individual, firm or corporation which are deemed necessary or advisable by the board for carrying out the provisions of this act. A contract or agreement pursuant to this subsection may require a municipality to undertake obligations and duties to be performed subsequent to the expiration of the term of office of the elected governing body of such municipality which initially entered into or approved said contract or agreement, and the obligations and duties so incurred by such municipality shall be binding and of full force and effect, notwithstanding that the term of office of the elected governing body

of such municipality which initially entered into or approved said contract or agreement, shall have expired;

(m) Accept from any government or governmental department, agency or other public or private body or from any other source grants or contributions of money or property which the board may use for or in aid of any of its purposes;

(n) (1) Acquire (by gift, purchase, condemnation or otherwise), own, lease, dispose of, use and operate property, whether real, personal or mixed, or any interest therein, which is necessary or desirable for university purposes;

(2) Adopt standing operating rules and procedures for the purchase of all equipment, materials, supplies and services; however, no contract on behalf of the university shall be entered into for the purchase of services, materials, equipment and supplies, for doing of any work, or for the hiring of equipment or vehicles, where the sum to be expended exceeds \$12,500.00 or the amount determined by the Governor as provided herein, unless the university shall first publicly advertise for bids and shall award the contract to that responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the university, price and other factors considered. Such advertising shall not be required in those exceptions created by the board of trustees of the university, which shall be in substance those exceptions contained in sections 4 and 5 of P.L.1954, c.48 (C.52:34-9 and 10) or for the supplying of any product or the rendering of any service by a public utility subject to the jurisdiction of the Board of Public Utilities of this State and tariffs and schedules of the charges, made, charged, or exacted by the public utility for any such products to be supplied or services to be rendered are filed with the said board. Commencing January 1, 1985 and every two years thereafter, the Governor, in consultation with the Department of the Treasury, shall adjust the threshold amount set forth in this paragraph in direct proportion to the rise or fall of the consumer price index for all urban consumers in the New York City and the Philadelphia areas as reported by the United States Department of Labor. The Governor shall notify the university of the adjustment. The adjustment shall become effective on July 1 of the year in which it is reported.

This subsection shall not prevent the university from having any work done by its own employees, nor shall it apply to repairs, or to the furnishing of materials, supplies or labor, or the hiring of equipment or vehicles, when the safety or protection of its or other public property or the public convenience requires or the

exigency of the university's service will not admit of such advertisement. In such case, the university shall, by resolution passed by the affirmative vote of its board of trustees, declare the exigency or emergency to exist, and set forth in the resolution the nature and approximate amount to be expended; shall maintain appropriate records as to the reason for such awards; and shall report regularly to its board of trustees on all such purchases, the amounts and the reasons therefor;

(3) Employ architects to plan buildings; secure bids for the construction of buildings and for the equipment thereof; make contracts for the construction of buildings and for equipment; and supervise the construction of buildings;

(4) Manage and maintain, and provide for the payment of all charges on and expenses in respect of, all properties utilized by the university; and

(5) Invest certain moneys in such obligations, securities and other investments as the board shall deem prudent in accordance with State and federal law, as follows:

In not for profit corporations utilizing income realized from the sale or licensing of intellectual property, as well as the reinvestment of earnings on intellectual property; income realized from the operation of faculty practice plans of the university; and income from overhead grant fund recovery as permitted by federal law;

In for profit corporations utilizing income realized from the sale or licensing of intellectual property, as well as the reinvestment of earnings on intellectual property.

(o) Borrow money and to secure the same by a mortgage on its property or any part thereof, and to enter into any credit agreement for the needs of the university, as deemed requisite by the board, in such amounts and for such time and upon such terms as may be determined by the board, provided that no such borrowing shall be deemed or construed to create or constitute a debt, liability, or a loan or pledge of the credit or be payable out of property or funds, other than moneys appropriated for that purpose, of the State;

(p) Exercise the right of eminent domain, pursuant to the provisions of the "Eminent Domain Act of 1971," P.L.1971, c.361 (C.20:3-1 et seq.), to acquire any property or interest therein;

(q) Adopt bylaws and make and promulgate such rules, regulations and orders, not inconsistent with the provisions of this act as are necessary and proper for the administration and operation of the university and to implement the provisions of this act;

(r) Authorize any new program, educational department or school not inconsistent with the programmatic mission of the institution or approved by the Commission on Higher Education which will require, at the time of establishment or thereafter, an additional expenditure of money, if provision is made therefor by law;

(s) Function as a public employer under the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.) and conduct all labor negotiations, and with the participation of the Governor's Office of Employee Relations act as the chief spokesperson with respect to all matters under negotiation;

(t) Sue and be sued in its own name;

(u) Retain independent counsel including representation by the Attorney General in accordance with subsection h. of section 6 of P.L.1994, c.48 (C.18A:3B-6);

(v) (1) Participate as the general partner or as a limited partner, either directly or through a subsidiary corporation created by the university, in limited partnerships, general partnerships, or joint ventures engaged in the development, manufacture, or marketing of products, technology, scientific information or health care services and create or form for profit or not for profit corporations to engage in such activities; provided that any such participation shall be consistent with the mission of the university and the board shall have determined that such participation is prudent. Nothing herein shall be construed to authorize any change in the legal status of University Hospital;

(2) The decision to participate in any activity described in paragraph (1) of subsection (v) of section 6 of P.L.1970, c.102 (C.18A:64G-6), including the creation or formation of for profit or not for profit corporations, shall be articulated in the minutes of the Board of Trustees meeting in which the action was approved. A true copy of the minutes shall be delivered to the Governor. No such action shall have affect until 30 days, Saturdays, Sundays and public holidays excepted, after the copy of the minutes shall have been delivered to the Governor. If, within the 30-day period, the Governor returns the minutes of the meeting with a veto of the action taken by the board, the action taken by the board shall be null and void and of no effect;

(3) The provisions of P.L.1971, c.182 (C.52:13D-12 et seq.) shall continue to apply to the university, its employees and officers;

(4) Nothing herein shall be deemed or construed to create or constitute a debt, liability, or a loan or pledge of the credit or be payable out of property or funds of the State;

(5) Funds directly appropriated to the university from the State or derived from the university's academic programs or derived from payment for coverage provided by the self insurance fund for claims accruing prior to the effective date of this act shall not be utilized in the development, manufacture or marketing of products, technology or scientific information;

(6) Employees of any joint venture, subsidiary corporation, partnership or other jural entity entered into or owned wholly or in part by the university shall not be deemed public employees;

(7) A joint venture, subsidiary corporation, partnership or other jural entity entered into or owned wholly or in part by the university shall not be deemed an instrumentality of the State of New Jersey;

(8) Income realized by the university as a result of participation in the development, manufacture or marketing of products, technology, or scientific information may be invested or reinvested pursuant to paragraph (5) of subsection (n) of section 6 of P.L.1970, c.102 (C.18A:64G-6) or retained by the board for use in furtherance of any of the purposes of this act;

(9) The board shall annually report to the State Treasurer on the operation of all joint ventures, subsidiary corporations, partnerships or such other jural entities entered into or owned wholly or in part by the university;

(w) (1) Procure and enter into contracts for any type of insurance and indemnify against loss or damage to property from any cause, including loss of use and occupancy, against death or injury of any person, against employees' liability, against any act of any member, officer, employee or servant of the university, whether part-time, full-time, compensated or non-compensated in the performance of the duties of his office or employment or any other insurable risk. In addition, the university shall carry its own liability insurance or maintain an actuarially sound program of self insurance. Any joint venture, subsidiary corporation, or partnership or such other jural entity entered into or owned wholly or in part by the university shall carry insurance or maintain reserves in such amounts as are determined by an actuary to be sufficient to meet its actual or accrued claims;

(2) Moneys in the fund known as the Self-Insurance Trust Fund administered by the State Treasurer shall continue to be available to the university solely to indemnify and defend claims against the university and its employees, officers and servants but only to the extent that the University has elected on behalf of itself and its employees to obtain representation from the Attorney General

pursuant to subsection h. of section 6 of P.L.1994, c.48 (C.18A:3B-6) and such entity or individuals would have been entitled to defense and indemnification pursuant to the "New Jersey Tort Claims Act," N.J.S.59:1-1 et seq., as a State entity or State employee but for the provision of subsection (t) of section 6 of P.L.1970, c.102 (C.18A:64G-6). Any expenditure of such funds shall be made only in accordance with the provisions of the "New Jersey Tort Claims Act," N.J.S.59:1-1 et seq., including but not limited to the provisions of chapters 10, 10A and 11 of Title 59 of the New Jersey Statutes. Nothing herein shall be construed to authorize the use of the Self-Insurance Trust Fund to indemnify or insure in any way, directly or indirectly the activities of any joint venture, partnership or corporation entered into or created by the university pursuant to paragraphs (1) and (2) of subsection (v) of section 6 of P.L.1970, c.102 (C.18A:64G-6); and

(x) Create auxiliary organizations subject to the provisions of P.L.1982, c.16 (C.18A:64-26 et seq.).

170. Section 7 of P.L.1970, c.102 (C.18A:64G-7) is amended to read as follows:

C.18A:64G-7 Additional powers.

7. The board of trustees, in addition to the other powers and duties provided herein, shall have and exercise the powers, rights and privileges that are incident to the proper government, conduct and management of the university and the control of its properties and funds and such powers granted to the university or the board or reasonably implied, may be exercised without recourse or reference to any department or agency of the State, except as otherwise provided by this act.

171. Section 2 of P.L.1977, c.390 (C.18A:64H-2) is amended to read as follows:

C.18A:64H-2 Advisory graduate medical education council; establishment; purpose and functions.

2. There is hereby established the Advisory Graduate Medical Education Council of New Jersey, which shall be responsible to the Commission on Higher Education. The purpose of this council shall be

to make recommendations for the support, through federal, State and private funds, of graduate medical education programs in private non-profit and public hospitals in the State, and to make recommendations for the development and implementation of new graduate medical education programs which will meet the needs of the citizens of the State. The functions of the council shall include, but not be limited to:

- a. Obtaining and evaluating information concerning the graduate medical manpower needs of the citizens of the State;
- b. Recommending standards and criteria for participation by private nonprofit and public hospitals in the State;
- c. Reviewing individual institutional applications and recommending awards of support to particular institutions based on conformance with the identified needs of the citizens of the State and the standards and criteria recommended by the council;
- d. Annually reviewing the educational programs provided by participating hospitals;
- e. Annually reporting to the Governor and the Education Committees of the New Jersey Legislature on the council's activities pursuant to the provisions of this act.

172. Section 3 of P.L.1977, c.390 (C.18A:64H-3) is amended to read as follows:

C.18A:64H-3 Definitions.

3. As used in this act:
 - a. "Council" means the Advisory Graduate Medical Education Council of New Jersey.
 - b. (Deleted by amendment, P.L.1994, c.48).
 - c. "Graduate medical education" means internship and residency programs fully or provisionally approved by either the Council on Medical Education of the American Medical Association and the appropriate physicians specialty board or the Office of Education of the American Osteopathic Association.
 - d. "Medical" and "physician" refer to doctors of medicine and doctors of osteopathy.

173. Section 4 of P.L.1977, c.390 (C.18A:64H-4) is amended to read as follows:

C.18:64H-4 Council membership; appointment; terms; vacancies; advisory committees; executive director and employees; compensation.

4. The council shall consist of 14 members, 11 voting members and three nonvoting members; four members of the council

shall be appointed by the Governor and 11 shall be ex officio members. The appointments shall consist of three representatives of the public and one student currently enrolled in a graduate medical training program; the appointed members shall be voting members of the council. The president of the University of Medicine and Dentistry of New Jersey, who shall serve as chairperson; a dean from one of the medical schools of the University of Medicine and Dentistry of New Jersey, to be selected by the president of the University of Medicine and Dentistry of New Jersey; the dean of the School of Graduate Medical Education of Seton Hall University; the president of the New Jersey Hospital Association; the president of the Association of Hospital Directors of Medical Education of New Jersey; the president of the New Jersey Association of Osteopathic Physicians and Surgeons; the president of the Medical Society of New Jersey or their designated representatives shall be ex officio, voting members of the council. The Commissioner of Health; the president of the State Board of Medical Examiners and the Commissioner of Human Services or their designated representatives shall be ex officio, nonvoting members. The appointed members shall serve for a three-year term or until a successor is appointed. For those first appointed, two shall be appointed for a one-year term; one shall be appointed for a two-year term; and one shall be appointed for a three-year term. Any vacancies in the voting membership other than by expiration of term shall be filled in the same manner as the original appointment but for the unexpired term only. To assist the council in carrying out the intent of this act:

a. The council may appoint advisory committees representative of the medical and health care professions, educators, and students, representatives of medical and health care facilities and consumers. The advisory committees shall provide advice and assistance to the council for the council's performance of its designated functions.

b. The council may employ an executive director and additional staff to provide expertise in the gathering and analysis of data and administration. The executive director shall have the right to speak on all matters at meetings of the council but shall have no vote. The council and the advisory committees shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties.

174. Section 5 of P.L.1977, c.390 (C.18A:64H-5) is amended to read as follows:

C.18A:64H-5 Powers and duties of Commission on Higher Education.

5. The Commission on Higher Education, upon the advice of the Advisory Council, with the concurrence of the Commissioner of Health, shall:

- a. Plan for the development and implementation of graduate medical education programs in the State;
- b. Set standards for qualification for participation by public and private nonprofit hospitals in the State;
- c. Establish standards for the use and expenditures of funds appropriated pursuant to this act;
- d. Determine the number and type of graduate medical education programs which should be supported in particular hospitals in relation to total State needs.

175. Section 8 of P.L.1977, c.390 (C.18A:64H-8) is amended to read as follows:

C.18A:64H-8 Rules.

8. The Commission on Higher Education shall promulgate such rules as are necessary to carry out the purpose of this act.

176. Section 3 of P.L.1981, c.148 (C.18A:64I-3) is amended to read as follows:

C.18A:64I-3 Funds for maintenance of school.

3. The Board of Trustees of Montclair State University shall include in its annual request for appropriations a request for such sums as may be necessary to maintain the New Jersey School of Conservation. Such funding shall be separate from and in addition to the regular formula support provided to Montclair State University and shall not limit the funding provided to higher education as a sector.

177. N.J.S.18A:65-14 is amended to read as follows:

Board of governors, membership, classification, terms, succession.

18A:65-14. The membership of the board of governors shall be classified as follows and consist of:

- a. the president of the corporation, serving as an ex officio non-voting member; and
- b. 11 voting members,
 - i. six of whom shall be appointed by the Governor of the State, with the advice and consent of the Senate, and

ii. five of whom shall be appointed by the board of trustees, from among their members elected and serving under the provisions of subsection I.c. or I.d. of 18A:65-15.

All members shall serve for terms of six years, except that the terms of those initially appointed by the Governor which began on September 1, 1956, shall expire respectively (as designated by him) one, two, three, four, five and six years after June 30, 1956, and terms of those initially appointed by the board of trustees which began on September 1, 1956, shall expire respectively (as designated by the board) two, three, four, five and six years after June 30, 1956; all of whose respective successors shall be appointed to serve six-year terms. Governors may succeed themselves for not more than one additional term after having served one full six-year term (including an initial term beginning on September 1, 1956, and expiring on June 30, 1962).

178. N.J.S.18A:65-15 is amended to read as follows:

Board of trustees, members, classification, terms, etc.

18A:65-15. I. The membership of the board of trustees shall be classified as follows and consist of:

a. the president of the corporation, serving as an ex officio non-voting member;

b. 11 public trustees, appointed and to be appointed by the Governor of the State, with the advice and consent of the Senate, viz.,

i. five public trustees, serving under section 4 of chapter 49 of the Laws of 1945 for five-year terms expiring respectively, one, two, three, four, and five years after June 30, 1956, whose respective successors shall be appointed upon the expiration of such terms and annually thereafter to serve five-year terms; and

ii. six public trustees appointed governors under subsection b.i. of section 18A:65-14 and serving by virtue thereof for and during their respective initial and subsequent terms as governors;

c. not less than 12 nor more than 20 trustees who shall be alumni or alumnae of Rutgers, The State University, as may be determined from time to time by the board of trustees, elected by the board in accordance with such rules, regulations and schedules, and modifications thereof, as may be prepared and adopted from time to time by the board, the terms of such alumni trustees or alumnae trustees to be six years for full terms, with power in the board to provide for shorter or interim terms when deemed by it to be advisable.

d. Charter trustees:

i. in the number of trustees serving as such on August 31, 1956 without definite term, who shall continue to serve indefinitely; provided, that upon the occurrence of any vacancy among such charter trustees, no successor shall be elected to fill such vacancy until such time as the number of such trustees has been reduced below 25, and thereafter vacancies within that number shall be filled by the board subject to the following paragraph II;

ii. two women elected by the board of trustees serving six-year terms expiring respectively on June 30, 1963 and 1965 and one woman elected by the board of trustees serving a five-year term expiring June 30, 1961, whose respective successors shall be elected by the board upon the expiration of such terms and thereafter to serve six-year terms.

II. All trustees elected or appointed for terms commencing on or after September 1, 1956, other than those serving ex officio pursuant to subsections I.a. and I.b.i. of this section, shall serve for terms of six years (subject to the provisions of subsection I.c. of this section and of subsection (a) of section 18A:65-16, and may succeed themselves for not more than one additional term after having served one full six-year term.

III. The ex officio members of the board of trustees as constituted on August 31, 1956, pursuant to the charter, statutes, or resolutions of the board from time to time adopted, ceased to be such members on August 31, 1956, with the exception of the president of the corporation who continued as ex officio trustee and ex officio governor, without voting power as hereinabove provided and the Commissioner of Education who so continued until July 1, 1967.

179. N.J.S.18A:65-16 is amended to read as follows:

Governors and trustees, beginning and ending of terms, vacancies.

18A:65-16. (a) The terms of all governors and trustees which are limited shall, unless otherwise expressly provided herein, commence on July 1 in the first year, and end on June 30 in the last year, of such term.

(b) In case a governor or a trustee is elected president and he thereby becomes a nonvoting governor or trustee ex officio, a vacancy in his prior office as governor or trustee shall thereby occur.

(c) In case a trustee is appointed a governor by the Governor of the State, and he thereby becomes a trustee during his term as governor, a vacancy in his prior office as trustee shall thereby occur.

(d) Any vacancy occurring during the term of any governor or trustee (other than by the expiration of his term) shall be filled for the unexpired term only, in the same manner and subject to the same provisions, as in the case of his appointment or election; subject, however, to the provisions of subsection I.d. of section 18A:65-15.

180. N.J.S.18A:65-17 is amended to read as follows:

Restriction on receiving certain remuneration by members of boards.

18A:65-17. No person, other than the president, shall be eligible to membership on the board of governors, if he is a salaried official of the State of New Jersey, or shall be eligible to membership on either the board of governors or the board of trustees, if he is receiving remuneration for services from the corporation or the university. If any member of either board shall become ineligible by reason of the foregoing, a vacancy in his prior office as governor or trustee, as the case may be, shall thereby occur.

181. N.J.S.18A:65-25 is amended to read as follows:

Authority and responsibility of board of governors.

18A:65-25. The board of governors shall have general supervision over and be vested with the conduct of the university. It shall have the authority and responsibility to:

- a. Determine policies for the organization, administration and development of the university;
- b. Study the educational and financial needs of the university, annually acquaint the Governor and Legislature with the condition of the university, and prepare and present the annual budget to the Governor, the Division of Budget and Accounting in the Department of the Treasury and the Legislature, in accordance with law;
- c. Disburse all moneys appropriated to the university by the Legislature, moneys received from tuition, fees, auxiliary services and other sources, and from or by direction of the board of trustees;
- d. Direct and control expenditure and transfer of funds appropriated to the corporation and the university by the State in accordance with the provisions of the State budget and appropriation acts of the Legislature; and, as to funds received from the trustees and other sources, direct and control expenditures and transfers in accordance with the terms of any applicable trusts, gifts, bequests, or other special provisions, reporting changes and additions thereto and transfers thereof to the Director of the Division of Budget and Accounting in

the State Department of the Treasury. All accounts of the university shall be subject to audit by the State at any time;

e. Borrow money for the needs of the corporation and the university, as deemed requisite by the board, in such amounts and for such time and upon such terms as may be determined by the board, with the consent and advice of the board of trustees; provided, that no such borrowing shall be deemed or construed to create or constitute a debt, liability, or a loan or pledge of the credit, or be payable out of property or funds (other than moneys appropriated for that purpose) of the State;

f. 1. Purchase all lands, buildings, equipment, materials and supplies; and

2. Employ architects to plan buildings; secure bids for the construction of buildings and for the equipment thereof; make contracts for the construction of buildings and for equipment; and supervise the construction of buildings;

g. Manage and maintain, and provide for the payment of all charges on and expenses in respect of, all properties utilized by the university;

h. In accordance with the provisions of the budget, have the sole power (subject to the provisions of section 18A:65-31) to elect, appoint, remove, promote or transfer all corporate, official, educational and civil administrative personnel, and fix and determine their salaries in accordance with salary schedules adopted by the board of governors. Such salary schedules shall prescribe qualifications for the various classifications and shall limit the percentage of the educational staff that may be appointed or promoted to any given classification;

i. In accordance with the provisions of the budget, appoint, remove, promote and transfer all other officers, agents, or employees, assign their duties, determine their salaries, and prescribe qualifications for all positions, and in accordance with the salary schedules of the State Civil Service Commission wherever possible; and

j. Authorize any new educational department or school consistent with the institution's programmatic mission or approved by the Commission on Higher Education.

182. N.J.S.18A:65-27 is amended to read as follows:

Public policy of State.

18A:65-27. I. It is hereby declared to be the public policy of the State of New Jersey that:

a. the corporation and the university shall be and continue to be given a high degree of self-government and that the government and conduct of the corporation and the university shall be free of partisanship; and

b. resources be and continue to be provided and funds be and continue to be appropriated by the State adequate for the conduct of a State university with high educational standards and to meet the cost of increasing enrollment and the need for proper facilities.

II. In consideration of the utilization by the State for the purposes of public higher education of privately donated properties and funds valued as at September 1, 1956 at approximately \$50,000,000, and the prospect of future private donations, the State by this chapter agrees with the board of trustees and its successors that:

a. if the properties and funds controlled by the trustees shall not be properly applied in accordance with the provisions of subsection d. of section 18A:65-25 for the purpose of higher education and in accordance with the terms of any applicable testamentary, trust, or other special provision; or

b. if, without the consent of the board of trustees,

(1) the university is not continued to be designated and maintained as the State University of New Jersey, or

(2) the name of the university shall be changed, or

(3) a vacancy in the office of the president of the university shall be filled otherwise than by appointment of the board of governors with the advice and consent of the board of trustees, or

(4) the provisions for the essential self-government of the university, viz., the provisions of sections 18A:65-12 to 18A:65-16, inclusive, 18A:65-19, 18A:65-24 to 18A:65-26, inclusive, 18A:65-28, subsection b. of 18A:65-29, 18A:65-30, subsection c. of 18A:65-31, 18A:65-33, 18A:65-6, 18A:65-9 and 18A:65-4, or any of them or of this section 18A:65-27, are amended or altered in any substantial respect or repealed; or

c. if provision shall not be made by the State sufficient to enable the board of trustees to discharge its trust to apply the trust assets described in subsection 2 of section 18A:65-26 for public higher education through the conduct of a university with high educational standards, the board of trustees, after careful consideration and on not less than 60 days' prior written notice to the board of governors and to the Governor, shall have and may exercise the right to withhold or withdraw the use of the properties and funds above described in subsection 2 of section 18A:65-26, or any part of them, (aa) subject to adjudication by the courts of

the State, and (bb) subject to their proper application for the purposes of public higher education and in accordance with the terms of any applicable testamentary, trust or other special provision.

183. N.J.S.18A:65-33.1 is amended to read as follows:

Care, custody and control of State property.

18A:65-33.1. The corporation shall have the care, custody and control of such property as the State now has or shall hereafter acquire at the university, subject to the visitorial powers of the Chairman of the Commission on Higher Education at the request of the Governor.

184. N.J.S.18A:65-34 is amended to read as follows:

Visitorial powers of supervision and control.

18A:65-34. The visitorial general powers of supervision and control of the Chairman of the Commission on Higher Education at the request of the Governor over Rutgers, The State University, are continued and are defined as the powers to visit the university to examine into its manner of conducting its affairs and to enforce an observance of its laws and regulations and the laws of the State.

185. N.J.S.18A:65-35 is amended to read as follows:

Board of governors, Commission on Higher Education, Presidents' Council; recommendations to the Governor and the Legislature.

18A:65-35. The board of governors shall advise, in consultation with the Commission on Higher Education and the Presidents' Council, to the end that the facilities and services of the university may be so utilized as to increase the efficiency of the public school system and provide higher education for the people of the State, and the board of governors shall make recommendations to the Governor and the Legislature, respecting the needs for the facilities and services, of the university, as an instrumentality of the State for said purposes.

186. N.J.S.18A:65-61 is amended to read as follows:

Care, custody and control of buildings jointly used.

18A:65-61. The care, custody and control of any building used jointly by any State college and the corporation shall be vested in the board of trustees of the State college or in the corporation, as the case may be. The care, custody and control of any building of a State college wholly utilized by the corporation shall be exercised by the corporation subject to the visitorial power granted herein and the care, custody and control of any building of the

corporation wholly utilized for any State college shall be exercised by the board of trustees of the State college.

187. Section 3 of P.L.1969, c.242 (C.18A:66-169) is amended to read as follows:

C.18A:66-169 Definitions.

3. As used in this act:

a. "Accumulated deductions" means those contributions as defined in N.J.S.18A:66-2 or in section 6 of P.L.1954, c.84 (C.43:15A-6).

b. "Base salary" means a participant's regular base or contractual salary. It shall exclude bonus, overtime or other forms of extra compensation such as (1) longevity lump sum payments, (2) lump sum terminal sick leave or vacation pay, (3) the value of maintenance, (4) individual pay adjustments made within or at the conclusion of the participant's final year of service, (5) retroactive salary adjustments or other pay adjustments made in the participant's final year of service unless such adjustment was made as a result of a general pay adjustment for all personnel of the department or institution, (6) any unscheduled individual adjustment made in the final year to place the member at the maximum salary level within his salary range and (7) any pay for services rendered during the summer vacation period by a participant who is required to work only 10 months of the year.

c. "Base annual salary" means the base salary upon which contributions by the member and his employer to the alternate benefit program were based during the last year of creditable service.

d. (Deleted by amendment, P.L.1994, c.48).

e. "University of Medicine and Dentistry" means the University of Medicine and Dentistry of New Jersey established pursuant to the terms of section 3 of P.L.1970, c.102 (C.18A:64G-3).

f. "County colleges" means the colleges so defined in N.J.S.18A:64A-1.

g. "Division of Pensions" means the division established in the Department of the Treasury pursuant to section 1 of P.L.1955, c.70 (C.52:18A-95) and is the agency responsible for the administration of the alternate benefit program of the State and county colleges and for the administration of the group life and disability insurances of all alternate benefit programs established in the State for public employees.

h. "Full-time officers" and "full-time members of the faculty" shall include the president, vice president, secretary and treasurer of the respective school. "Full-time" shall also include eligible full-time officers and full-time members of the faculty who are granted sabbaticals or leaves of absence with pay where the compensation paid is 50% or more of the base salary at the time the leave commences and the period of eligibility terminates with the end of the school year following the year in which the sabbatical began. "Part-time" shall be defined as an appointment where the employee receives a salary or wages for a period of less than 50% of the normal work week. These definitions shall apply to teaching or administrative staff members or to employees serving in a dual capacity where the appointment includes teaching as well as administrative duties.

i. "Group Annuity Plan" refers to the Group Annuity Contract R-134 between the Board of Trustees of the New Jersey Institute of Technology and the Prudential Insurance Company of America.

j. "Member" or "participant" means a full-time officer or a full-time member of the faculty participating in the alternate benefit program.

k. "New Jersey Institute of Technology" means the Newark College of Engineering.

l. "Pension reserve" means those moneys as defined in N.J.S.18A:66-2 or in section 6 of P.L.1954, c.84 (C.43:15A-6).

m. "Rutgers, The State University" means the institution of higher education described in chapter 65 of Title 18A of the New Jersey Statutes.

n. "State Colleges" means the colleges so described in chapter 64 of Title 18A of the New Jersey Statutes.

o. "Mutual fund company" means an investment company or trust regulated by the federal "Investment Company Act of 1940," 15 U.S.C. §§80a-1 et seq.

188. Section 4 of P.L.1969, c.242 (C.18A:66-170) is amended to read as follows:

C.18A:66-170 Alternate benefit program.

4. All full-time officers and all full-time members of the faculty of the University of Medicine and Dentistry of New Jersey, Rutgers, The State University, the Newark College of Engineering, the State and county colleges and all regularly appointed teaching and administrative staff members in applicable positions, as determined by the Director of the Division of Pensions

in the Department of the Treasury, shall be eligible and shall participate in the alternate benefit program, except those persons appointed in a part-time or temporary capacity, physicians and dentists holding employment in positions titled intern, resident or fellow on or after the effective date of this amendatory act, persons compensated on a fee basis, persons temporarily in the United States under an F or J visa and members of the Teachers' Pension and Annuity Fund, the Public Employees' Retirement System, the Police and Firemen's Retirement System or the Group Annuity Plan, who did not elect to transfer to the alternate benefit program in accordance with the provisions of chapter 64C or 65 of Title 18A of the New Jersey Statutes, P.L.1967, c.278 (C.18A:66-130 et seq.), or c.281 (C.18A:66-142 et seq.), or P.L.1968, c.181 (C.18A:66-154 et seq.). An eligible person who has been enrolled in the alternate benefit program for at least one year pursuant to this section may continue to be enrolled in the program, notwithstanding promotion or transfer to a position within the institution not otherwise eligible for the program.

Any person participating in the alternate benefit program shall be ineligible for membership in the Teachers' Pension and Annuity Fund, the Public Employees' Retirement System, the Police and Firemen's Retirement System or the Group Annuity Plan and any person electing to participate in the alternate benefit program shall thereby waive all rights and benefits provided by the Teachers' Pension and Annuity Fund, the Public Employees' Retirement System, the Police and Firemen's Retirement System or the Group Annuity Plan as a member of said fund, system or plan, except as herein and otherwise provided by law or under terms of the Group Annuity Plan.

Any person required to participate in the alternate benefit program by reason of employment, who at the time of such employment is a member of the Teachers' Pension and Annuity Fund, shall be permitted to transfer his membership in said fund to the Public Employees' Retirement System, by waiving all rights and benefits which would otherwise be provided by the alternate benefit program. Any such new employee who is a member of the Public Employees' Retirement System will be permitted to continue his membership in that system, by waiving all rights and benefits which would otherwise be provided by the alternate benefit program. Such waivers shall be accomplished by filing forms satisfactory to the Division of Pensions within 30 days of the beginning date of employment.

Any person receiving a benefit by reason of his retirement from any retirement or pension system of the State of New Jersey or any political subdivision thereof shall be ineligible to participate in the alternate benefit program.

No person eligible for participation in the alternate benefit program shall be eligible for, or receive, benefits under chapters 4 and 8B of Title 43 of the Revised Statutes.

The alternate benefit programs established pursuant to this act are deemed to be pension funds or retirement systems for purposes of P.L.1968, c.23 (C.43:3C-1 et seq.).

189. Section 6 of P.L.1969, c.242 (C.18A:66-172) is amended to read as follows:

C.18A:66-172 Allocation of contributions; mobility of pension credit.

6. Participants in the alternate benefit program shall be allowed to allocate portions of their own contributions and the contributions of their employer, including amounts used by the employer to purchase an annuity pursuant to a salary reduction agreement under section 24 of P.L.1969, c.242 (C.18A:66-190), to accounts with two or more insurers or mutual fund companies designated pursuant to the provisions of section 3 of P.L.1993, c.385 (C.18A:66-172.1) as companies from which alternate benefit contracts may be purchased, and shall, subject to such rules and regulations as the Division of Pensions may adopt, be permitted to direct the withdrawal of such contributions from their account with one such company for deposit in an account with another such company. Since the establishment of the alternate benefit programs for the several public institutions of higher education in New Jersey is designed to provide mobility of pension credit from within the academic community in and outside the State, and since it is imperative that eligibility for participation in this program be of uniform application in the several schools, it shall be the responsibility of the Director of the Division of Pensions to establish regulations which shall provide for such uniformity.

190. Section 8 of P.L.1969, c.242 (C.18A:66-174) is amended to read as follows:

C.18A:66-174 Reductions from compensation of participants; payments of employer contributions.

8. (a) The University of Medicine and Dentistry of New Jersey, Rutgers, The State University and the New Jersey Institute of Technology shall reduce the compensation of each participant in

the alternate benefit program and pay over to the insurers or mutual fund companies for the benefit of the participant an employee contribution for the retirement annuity contract or contracts equal to 5% of the participant's base salary. The intervals for deductions or reductions and payments shall be determined by the respective school governing bodies.

The Division of Pensions shall provide for reductions from the compensation of each participant in the alternate benefit program employed by the State and county colleges of an employee contribution equal to 5% of the participant's base salary and pay this amount to the insurers or mutual fund companies for the individual's retirement annuity contract or contracts. The intervals for deductions or reductions and payments shall be determined by the Division of Pensions.

The Division of Pensions may require that all participant contributions be made in accordance with section 414(h) of the federal Internal Revenue Code (26 U.S.C. §414(h)).

(b) Based on a certification to the Division of Pensions by the University of Medicine and Dentistry of New Jersey, Rutgers, The State University and the New Jersey Institute of Technology of the number and base salary of participants, the division shall authorize the State to make payment of the employer contributions to the alternate benefit program at a rate equal to 8% of the employee's base salary, which moneys shall be paid to the designated insurers or mutual fund companies for the benefit of each participant.

Based on a certification by the Division of Pensions of the number and base salary of participants employed by the State and county colleges, the State shall make payment of the employer contributions to the alternate benefit program at a rate equal to 8% of the employee's base salary, which moneys shall be paid to the designated insurers or mutual fund companies for the benefit of each participant.

(c) For the member of the Public Employees' Retirement System employed by the county colleges, who is defined in the regulations of the Division of Pensions as a full-time faculty member and who is permitted to transfer his membership and does so, the State shall pay the employer contribution to the alternate benefit program at a rate equal to 8% of the member's base salary. If the member continues membership in the Public Employees' Retirement System, the State shall pay the employer contribution to the retirement system on his behalf and such employer contribution shall be at a rate equal to the normal contribution made by the State on behalf of nonveteran members of the Public Employees' Retirement System.

(d) For any nonacademic employee of a county college, as defined in section 4 of P.L.1969, c.242 (C.18A:66-170), who is eligible for the program according to the regulations of the Director of the Division of Pensions, the county college shall pay the employer contribution to the retirement system on the employee's behalf in the same manner as the State, pursuant to this section.

191. Section 24 of P.L.1969, c.242 (C.18A:66-190) is amended to read as follows:

C.18A:66-190 Authority to enter into agreements for annuity purchases; method of payment; limitations.

24. The Board of Trustees of the New Jersey College of Medicine and Dentistry, the Board of Governors of Rutgers, The State University, the Board of Trustees of the New Jersey Institute of Technology and the boards of trustees of State and county colleges, are hereby authorized to enter into agreement with each employee participating in the alternate benefit program whereby the employee agrees to take a reduction in salary with respect to amounts earned after the effective date of such agreement in return for the agreement of the respective institution to use a corresponding amount to purchase an annuity for such employee so as to obtain the benefits afforded under section 403(b) of the federal Internal Revenue Code, as amended. Any such agreement shall specify the amount of such reduction, the effective date thereof, and shall be legally binding and irrevocable with respect to amounts earned while the agreement is in effect; provided, however, that such agreement may be terminated after it has been in effect for a period of not less than one year upon notice in writing by either party, and provided further that not more than one such agreement shall be entered into during any taxable year of the employee. For the purposes of this section, any annuity or other contract which meets the requirements of section 403(b) of the federal Internal Revenue Code, as amended, may be utilized. The amount of the reduction in salary under any agreement entered into between the institutions and any employee pursuant to this section shall not exceed the limitations set forth in P.L.93-406 (Employment Retirement Income Security Act of 1974) and Section 415(c) of the Internal Revenue Code of 1954 as amended for such year.

192. Section 25 of P.L.1969, c.242 (C.18A:66-191) is amended to read as follows:

C.18A:66-191 Prohibited payments; authorized payments.

25. No retirement, death or other benefit shall be payable by the State, the University of Medicine and Dentistry, Rutgers, The State University, the New Jersey Institute of Technology or the Division of Pensions under the alternate benefit program. Benefits shall be payable to participating employees and their beneficiaries only by the designated insurers or mutual fund companies under the terms of the contracts.

193. Section 3 of P.L.1993, c.385 (C.18A:66-172.1) is amended to read as follows:

C.18A:66-172.1 Pension Provider Selection Board.

3. There is established in but not of the Division of Pensions in the Department of the Treasury the Pension Provider Selection Board, which shall consist of the Director of the Division of Pensions or a representative of that director; the Director of the Division of Investment or a representative of that director; the Commissioner of the Department of Insurance or a representative of that commissioner; the Director of the Division of Purchase and Property or a representative of that director; and a person appointed by the Director of the Division of Pensions who is an active participant or receiving a benefit from the alternate benefit program.

The Pension Provider Selection Board shall select through a competitive bidding process at least three unrelated insurance or mutual fund companies licensed or otherwise authorized to transact business in New Jersey from which alternate benefit contracts will be purchased. These new insurers or mutual fund companies shall be selected by competitive bidding in accordance with all applicable State laws and regulations not later than the 270th day following the effective date of P.L.1993, c.385 (C.18A:66-172.1 et al.). The selected carriers shall be authorized to receive contributions within 60 days of their selection. Each contract shall be awarded for a period not to exceed six years with a renewal option for a period not to exceed three years. All carriers shall be subject to a performance review by the Pension Provider Selection Board every seven years and must meet such standards as the Pension Provider Selection Board shall establish by regulation in order to be renewed for another term of seven years as carriers. Removal of a carrier for cause during a seven-year term is not waived. In establishing by regulation the criteria for the initial selection and

any performance review of a carrier, the Pension Provider Selection Board shall consider, among other things, the following:

- a. the portability of the contracts offered or to be offered by the company, based on the number of states in which the company provides contracts under similar plans;
- b. the efficacy of the contracts in the recruitment and retention of employees for the various State public institutions of higher education;
- c. the nature and extent of the rights and benefits to be provided by the contracts for participating employees and their beneficiaries;
- d. the relation of the rights and benefits to the amount of contributions to be made pursuant to the provisions of this article;
- e. the suitability of the rights and benefits to the needs and interests of participating employees and the various State public institutions of higher education;
- f. the ability of the company to provide the rights and benefits under such contracts;
- g. the financial soundness of the company, the extent of the company's financial commitment to the contracts, and whether the company meets the minimum financial criteria established by the Division of Pensions;
- h. the company's overall quality of service, its investment performance considering return on investments and risk, the administrative fee to be charged to participating employees, and the offering of a balanced array of investment opportunities; and
- i. the nature of the informational or promotional materials to be provided to prospective participants.

The Pension Provider Selection Board may not designate a company which serves as a disbursement system for other providers or which charges third party administrative fees.

A company that has been designated as of January 1, 1993 by the Division of Pensions as a designated provider shall continue to be so designated until its status as a designated provider is terminated for cause by the division or by the Pension Provider Selection Board.

194. N.J.S.18A:67-2 is amended to read as follows:

Approval of collegiate name.

18A:67-2. No institution which proposes to offer courses of study above high school grade, which courses satisfy in whole or in part the requirements for a college or university degree, shall

adopt or use any title or name commonly accepted as descriptive of collegiate or university institutions without the approval of the Commission on Higher Education made under rules relating to names and titles of institutions adopted by the commission.

195. N.J.S.18A:68-3 is amended to read as follows:

Filing copy of certificate of incorporation and obtaining license.

18A:68-3. No corporation shall furnish instruction or learning in the arts, sciences, or professions for the purposes of admitting any person to the grade of a degree, or shall confer or participate in conferring a degree, giving to any person a diploma of graduation or of proficiency in a course of study, in learning, or in scientific arts or methods, within this State, until it shall have filed a certified copy of its certificate of incorporation with the Commission on Higher Education and obtained from the commission a license to carry on the business under such rules as the commission may prescribe.

196. N.J.S.18A:68-4 is amended to read as follows:

Revocation of license.

18A:68-4. Any license issued under this article may be revoked by the Commission on Higher Education.

197. N.J.S.18A:68-5 is amended to read as follows:

Restraint of corporations operating without license.

18A:68-5. When it shall appear that any corporation is carrying on the business of such instruction or teaching, or conferring any such degree, or giving any such diploma without such license, the Commission on Higher Education, represented by the Attorney General, may institute a civil action in the Superior Court to restrain the corporation from the transaction of any such business or the exercise of any such franchise within this State until it shall have obtained such license or the approval of the commission. The court may proceed in the action in a summary manner or otherwise. The costs in any such action, to be fixed by the court, shall be paid by the corporation before the dissolution of any injunctive order or judgment.

198. N.J.S.18A:68-6 is amended to read as follows:

Submission and approval as prerequisite to conferring of degrees.

18A:68-6. No school, corporation, association or institution of learning conducted within this State and licensed by the Commission

on Higher Education, nor any officer or member thereof, in recognition of the attainment or proficiency of any person in pursuing or graduating from any course or courses of study, arts, or learning conducted by it or another such school corporation, association or institution, shall admit any such person to the grade of a degree by conferring, or participating in conferring, any degree upon any person unless that degree program is consistent with the programmatic mission of the institution or is approved by the commission.

Nothing contained in this section shall apply to any school, corporation, association or institution of learning, or officer or member thereof, which was established and conducted within this State on April 1, 1887, and was then in the course of admitting persons to the grade of a degree by conferring the same upon them in recognition of their attainments or proficiencies, nor to any school conducted under the public school system.

199. N.J.S.18A:68-7 is amended to read as follows:

Withdrawal of approval; record of approvals and revocations.

18A:68-7. The approval given by the Commission on Higher Education of the basis or conditions for the admission to the grade of a degree may be revoked for proper cause by the commission after hearing upon 20 days' notice of the time and place of such hearing given to any such school, corporation, association or institution of learning by service upon any officer or member thereof, and proof made at such hearing to the satisfaction of the commission, that the standards presented for admission to such grade of a degree or for the conferring of such degree are not being satisfactorily complied with by such school, corporation, association or institution of learning, or by the officers or members thereof.

The commission shall keep a record of such approvals and revocations in a book to be provided and used solely for that purpose, which book shall be kept at its office in Trenton and may be inspected by any person upon request.

200. N.J.S.18A:68-9 is amended to read as follows:

Penalties; recovery.

18A:68-9. An officer or member of a school, corporation, association or institution of learning who by vote or in any other manner or capacity, or a school, corporation, association or institution of learning which shall admit or participate in admitting a scholar, student, or subscriber to any grade of a degree by conferring or participating

in conferring any degree upon him, contrary to the provisions of this chapter, or who shall sign any certificate or diploma as evidence of the conferring of such degree shall be liable to a penalty of not more than \$300.00 for each offense, to be enforced and collected by and in the name of the Commission on Higher Education in a summary proceeding in accordance with chapter 58 of Title 2A of the New Jersey Statutes, the penalty enforcement law. Process shall be either in the nature of a summons or warrant.

201. N.J.S.18A:68-11 is amended to read as follows:

Disposition of moneys recovered.

18A:68-11. All moneys recovered under the provisions of this article shall be payable to the State Treasurer.

202. Section 2 of P.L.1977, c.123 (C.18A:68-11.2) is amended to read as follows:

C.18A:68-11.2 Definitions.

2. As used in this act:

a. "Institution of higher education" means an institution of collegiate grade in New Jersey licensed by the Commission on Higher Education or otherwise authorized under N.J.S.18A:68-6 and accredited by the Middle States Association of Colleges and Secondary Schools.

b. "Educational loan" means either (1) a loan which is made for the purpose of defraying the cost of attendance by one or more students at the institution of higher education making such loan or (2) a loan to an employee of an institution of higher education for the purpose of defraying the costs of post-secondary school education of the employee or of the spouse or child of the employee.

203. Section 1 of P.L.1977, c.330 (C.18A:71-15.1) is amended to read as follows:

C.18A:71-15.1 Student Assistance Board.

1. There is hereby created the Student Assistance Board in but not of the Department of the Treasury. Notwithstanding this allocation, the board shall be independent of any supervision or control by the department or any officer thereof. The board shall consist of the chairman of the Commission on Higher Education and the State Treasurer or their designees and 12 other members to be appointed by the Governor with the advice and consent of the Senate as follows:

Four public members who shall be residents of the State;
One representative of Rutgers, The State University;
One representative of the State-supported county colleges;
One representative of the State Colleges;
One representative of the nontax supported institutions of higher education in the State;
One representative of the New Jersey Institute of Technology;
One member of the Educational Opportunity Fund Board;

Two New Jersey residents currently enrolled as students in an undergraduate degree program, one of whom shall attend a public institution of higher education of this State and one of whom shall attend a nontax supported institution of higher education in this State. These student members shall be selected from candidates recommended by the Student Advisory Committee. The term of office of the appointed student members shall not exceed two years.

The term of office of the other appointed members, except for the initial appointments, shall be for four years.

The terms of the initial appointed members shall be fixed by the Governor in such manner as two shall serve one-year terms, two shall serve two-year terms, three shall serve three-year terms and three shall serve four-year terms. Each member shall serve until his successor has been appointed and is qualified. Any vacancy in the board shall be filled by the Governor by the appointment of a person who shall hold office for the balance of the unexpired terms. The Student Assistance Board shall annually elect a chairperson and vice-chairperson from among its public members. The members of the Student Assistance Board shall serve without compensation, but shall be reimbursed for their actual expenses necessarily incurred in the performance of their duties.

204. Section 3 of P.L.1977, c.330 (C.18A:71-15.3) is amended to read as follows:

C.18A:71-15.3 Coordination and administration of tuition and scholarship programs; annual report.

3. The Student Assistance Board shall coordinate and administer such undergraduate scholarship and tuition aid programs as provided by law and shall provide an annual report on these programs to the Governor and to the Legislature.

205. Section 3 of P.L.1977, c.345 (C.18A:71-26.3) is amended to read as follows:

C.18A:71-26.3 Administration of provisions.

3. It shall be the duty of the Student Assistance Board in but not of the State Department of the Treasury to administer the provisions of this act.

206. Section 4 of P.L.1977, c.345 (C.18A:71-26.4) is amended to read as follows:

C.18A:71-26.4 Awarding of scholarships; criteria and guidelines; approval or rejection by Legislature.

4. Garden State Scholarships shall be awarded by institutions of higher education in New Jersey pursuant to criteria and guidelines established by the Student Assistance Board and approved by the Commission on Higher Education. The criteria and guidelines established for the Fiscal Year 1978-79 shall be submitted to the Legislature, together with appropriate supporting information, and such criteria and guidelines shall be deemed approved by the Legislature at the end of 30 calendar days after the date on which they are transmitted to the Legislature, or if the Legislature is not in session on the thirtieth day, then on the next succeeding day on which it shall be meeting, unless between the date of transmittal and the end of the 30-day period the Legislature passes a concurrent resolution rejecting the criteria and guidelines in which case the criteria and guidelines then in effect shall continue in effect.

Any subsequent revisions of said criteria and guidelines shall be submitted to the Legislature, together with appropriate supporting information, and such criteria and guidelines shall be deemed approved by the Legislature at the end of 60 calendar days after the date on which they are transmitted to the Legislature, or if the Legislature is not in session on the sixtieth day, then on the next succeeding day on which it shall be meeting, unless between the date of transmittal and the end of the 60-day period the Legislature passes a concurrent resolution rejecting the criteria and guidelines in which case the criteria and guidelines then in effect shall continue in effect.

207. Section 5 of P.L.1977, c.345 (C.18A:71-26.5) is amended to read as follows:

C.18A:71-26.5 Annual award of scholarship.

5. A Garden State Scholarship shall be awarded annually to each eligible New Jersey resident enrolled as a full-time undergraduate or graduate student in a curriculum leading to a degree or certificate in an institution of collegiate grade in New Jersey,

licensed by the Commission on Higher Education and accredited by a regional accrediting association recognized by the Council on Postsecondary Accreditation.

208. Section 8 of P.L.1977, c.345 (C.18A:71-26.8) is amended to read as follows:

C.18A:71-26.8 Rules and regulations; application forms; employees; expenditures.

8. The Student Assistance Board shall adopt rules and regulations subject to the approval of the Commission on Higher Education and proscribe and provide appropriate forms for application as necessary to implement this act. The Commission on Higher Education shall on behalf of the Student Assistance Board employ such persons, contract for services, and make such additional expenditures as may be necessary or appropriate for effectuating the provisions of this act.

209. Section 10 of P.L.1977, c.345 (C.18A:71-26.10) is amended to read as follows:

C.18A:71-26.10 Garden State Scholarship.

10. Each Garden State Scholarship shall entitle the eligible undergraduate and graduate recipients to an award in an amount established by the Student Assistance Board and approved by the Commission on Higher Education pursuant to section 4 of P.L.1977, c.345 (C.18A:71-26.4). Payments under this act shall be made by the State Treasurer on the order of the executive director in accordance with the rules regulating the same adopted by the board.

210. Section 3 of P.L.1984, c.94 (C.18A:71-26.13) is amended to read as follows:

C.18A:71-26.13 Sources of funds.

3. Fiscal resources for the Garden State Scholarship program may come from State appropriations, reserve funds designated by the New Jersey Higher Education Assistance Authority, or such other sources as are recommended by the State Treasurer.

211. Section 4 of P.L.1989, c.288 (C.18A:71-26.17) is amended to read as follows:

C.18A:71-26.17 Presentation of awards.

4. Annually, at a regularly scheduled public meeting of the Student Assistance Board, seven individuals selected by the Stu-

dent Assistance Board shall be presented with the award and with materials commemorating the lives and the achievements of the seven astronauts for whom they are named.

212. Section 3 of P.L.1968, c.142 (C.18A:71-30) is amended to read as follows:

C.18A:71-30 Definitions.

3. As used in this act, unless the context clearly indicates otherwise, the following terms shall have the following meanings:

(a) The term "board" shall mean the Board of Directors of the New Jersey Educational Opportunity Fund created by section 4 of P.L.1968, c.142 (C.18A:71-31).

(b) (Deleted by amendment, P.L.1994, c.48).

(c) The term "department" shall mean the Department of State.

(d) The term "fund" shall mean the New Jersey Educational Opportunity Fund created by section 4 of P.L.1968, c.142 (C.18A:71-31).

(e) The term "higher education" shall mean that education which is provided by any or all of the public institutions of higher education as herein defined or any or all equivalent private institutions.

(f) The term "public institutions of higher education" shall mean and include Rutgers, The State University, the New Jersey Institute of Technology, the University of Medicine and Dentistry of New Jersey, the nine State colleges, the county colleges, and any other public universities, colleges or county colleges now or hereafter established or authorized by law.

213. Section 4 of P.L.1968, c.142 (C.18A:71-31) is amended to read as follows:

C.18A:71-31 Creation, purposes and administration of fund.

4. (a) There is hereby created and established under the Commission on Higher Education an educational opportunity fund which shall be known as the "New Jersey Educational Opportunity Fund." Notwithstanding this allocation, the fund shall be independent of any supervision or control by the department or by any officer thereof. The fund shall identify, recruit and provide financial assistance to needy students who are residents of this State in order that they may be able to attend institutions of higher education.

(b) The business and operations of the fund shall be administered by the board of directors created pursuant to section 5 of

P.L.1968, c.142 (C.18A:71-32) subject to the general supervision of the Commission on Higher Education.

(c) The commission in consultation with the board shall designate an individual to serve as the chief executive officer of the fund and shall organize the work of the fund in such manner as the chief executive officer deems necessary to carry out the provisions of this act. The commission may employ such persons, contract for such services, make such expenditures and adopt such rules and regulations as may be necessary or appropriate to carry out the provisions of this act.

214. Section 5 of P.L.1968, c.142 (C.18A:71-32) is amended to read as follows:

C.18A:71-32 Membership.

5. (a) The board of directors of the fund shall consist of the chairman of the Commission on Higher Education or the chairman's designee and eight citizens of this State appointed by the Governor. Citizen members of the board shall be selected without regard to political affiliation and, as far as may be practicable, on the basis of their knowledge of, or interest in, the problems of needy students and higher education. The board shall organize annually as established by rule of the board to elect a chairman, vice chairman and other officers as the board shall determine from among its members. The officers shall serve for a one-year term and until their successors are elected and qualified. Vacancies in the offices shall be filled in the same manner for the unexpired term only.

(b) Each citizen member of the board shall serve for a term of four years and until his successor shall have been appointed and qualified; provided, that in the case of the first appointments to the board, two members shall be appointed for terms expiring June 30, 1969; two members shall be appointed for terms expiring June 30, 1970; two members shall be appointed for terms expiring June 30, 1971; and two members shall be appointed for terms expiring June 30, 1972. Any vacancy in the membership of the board shall be filled in the same manner as the original appointment for the remainder of the unexpired term.

(c) The board shall develop and maintain a Statewide system for the identification of potential college students from needy families; devise methods for recruiting such students; advise the commission on the organization, coordination and support, in cooperation with public and private institutions of higher education of the State, of

programs of remedial education for such students; and provide financial assistance as required by such students.

(d) Members of the board shall serve without compensation but shall be entitled to be reimbursed for all reasonable and necessary expenses incurred in the discharge of their duties.

215. Section 6 of P.L.1968, c.142 (C.18A:71-33) is amended to read as follows:

C.18A:71-33 Board's additional duties.

6. The board shall:

(a) Administer all funds appropriated by the Legislature for the purpose of carrying out the provisions of this act.

(b) Be an agency of communication with departments and agencies of the United States on the availability of grants or loans to this State for purposes related or similar to those set forth in this act.

(c) Develop, establish and publicize criteria for the determination of eligibility for financial assistance from the fund based on need and potential for success in college.

(d) Established procedures for determining the amount of each award according to the total financial need of each student.

(e) Through the Commission on Higher Education, be responsible and report periodically in writing to the Governor and the Legislature on the performance of its duties in accordance with the provisions of this act.

(f) Adopt bylaws, and make, enforce, alter and repeal rules for its own operation and for carrying out the provisions of this act.

(g) Receive and disburse such contributions to the fund as may be forthcoming from private and public sources.

216. Section 7 of P.L.1968, c.142 (C.18A:71-34) is amended to read as follows:

C.18A:71-34 Grants authorized for undergraduate, graduate and professional study; location and approval of higher education institution; limitations.

7. (a) The board is hereby authorized to award "opportunity grants" from the fund to needy students for undergraduate study leading to a baccalaureate degree, associate degree, or other approved certificate and for graduate and professional study leading to approved master's and doctor's degrees at institutions of higher education, public and private, located in New Jersey; provided, that the board shall allow not more than 10% of the needy students to be awarded opportunity grants in any year to use their

opportunity grants at institutions of higher education located outside this State; and, provided further, that no more than 10% of the funds appropriated and available for the purposes of this act shall be awarded to students for use in graduate study.

(b) Opportunity grants may be awarded annually, upon proper application to the fund, to any needy student who qualifies under the standards to be developed and promulgated by the board and who is or will be attending an institution of collegiate grade located in New Jersey and approved for this purpose by the Commission on Higher Education, except that in cases where the student will be or is attending an institution in another State, the accreditation procedures of that State shall be accepted, subject to the approval of the board.

(c) The board may utilize the services of the Office of Student Assistance to administer the provisions of this section.

217. Section 12 of P.L.1968, c.142 (C.18A:71-39) is amended to read as follows:

C.18A:71-39 Remedial and supplementary education for grantees.

12. The board of directors shall develop, establish and maintain programs of remedial and supplementary education for the students who will receive educational opportunity assistance under this act. Such programs may be administered directly by the fund or may be co-operative ventures undertaken with any or all of the public and private institutions of higher education in the State.

218. Section 3 of P.L.1968, c.429 (C.18A:71-43) is amended to read as follows:

C.18A:71-43 Administration of act.

3. It shall be the duty of the Student Assistance Board in but not of the State Department of the Treasury to administer the provisions of this act.

219. Section 4 of P.L.1977, c.344 (C.18A:71-44) is amended to read as follows:

C.18A:71-44 Number of grants; insufficient amount; equitable reduction; criteria and guidelines; approval or disapproval.

4. State tuition aid grants shall be awarded by the Student Assistance Board to all eligible applicants without any limitation on the number to be awarded in any year other than the amount of appropriations available therefor. In the event that the amount

appropriated is insufficient for full awards to all eligible applicants, the Student Assistance Board shall reduce awards equitably among eligible students according to such procedures and guidelines as it may find appropriate which procedures and guidelines shall be approved by the Commission on Higher Education and by the subcommittee on transfers of the Joint Appropriations Committee. Annually, on or before March 1 of the pre-budget year, the criteria and guidelines which shall be used to distribute available funds should the amount appropriated be insufficient for full awards to all eligible applicants shall be submitted by the Executive Director of Student Assistance Programs to the Joint Appropriations Committee of the Legislature, together with appropriate supporting information. Such criteria and guidelines may be approved or disapproved by the subcommittee on transfers of said committee at any time; provided however that if at the end of 60 calendar days after the date on which they are transmitted to the committee the subcommittee on transfers has taken no action, the proposed criteria and guidelines shall be deemed to be approved by said subcommittee.

220. Section 7 of P.L.1968, c.429 (C.18A:71-47) is amended to read as follows:

C.18A:71-47 Tuition and grants.

7. A college tuition aid grant shall be awarded annually to each eligible, qualified full-time undergraduate student enrolled in a curriculum leading to a degree or certificate in an institution of collegiate grade in New Jersey licensed by the Commission on Higher Education, or in an institution of collegiate grade in another state, provided that such state permits its residents to utilize its state student financial assistance grants in New Jersey institutions of higher education through reciprocity agreements approved by the Student Assistance Board and the commission. In no event shall a New Jersey tuition aid grant be utilized at an out-of-State institution which is not licensed by that state and accredited by a regional accrediting association recognized by the Council on Postsecondary Accreditation.

(a) Eligibility. To each New Jersey resident enrolled as a full-time student after July 1, 1978 for the academic year beginning in September of 1978 the State shall grant an amount as provided in paragraph (b) of this section. No student shall be eligible for a grant unless he has certified in a form satisfactory to the Student

Assistance Board that the grant is essential to his carrying out his plans for attending college. No student shall be eligible for grants in more than four and one-half academic years, unless the recipient is enrolled in an undergraduate program regularly requiring five academic years for completion, in which case the Student Assistance Board shall permit five and one-half years of eligibility. Notwithstanding the foregoing provisions, a student receiving aid under the provisions of P.L.1968, c.142 (C.18A:71-28 et seq.) shall be entitled to a sixth year of eligibility. Notwithstanding the foregoing provisions, a county college student who transfers to a four-year institution, or any student who is required to pursue 18 or more credit hours in a remedial or developmental curriculum, as defined by regulations adopted by the Student Assistance Board, is entitled to an additional half year of eligibility. For the purpose of this amendatory act, a remedial curriculum shall include only noncredit courses in which a student is directed to enroll by the institution. Eligibility for tuition aid grants may be extended to part-time students through regulations developed by the Student Assistance Board and approved by the commission if the level of appropriated funds allows such an extension, subject to prior approval by the Director of the Division of Budget and Accounting in the Department of the Treasury and Joint Appropriation Committee's Subcommittee on Transfers or its successor. No student shall be eligible for grants unless he maintains such minimum standards of academic performance as are required by the institution in which he is enrolled. No student shall be eligible for a tuition aid grant who is enrolled in a course leading to a degree in theology or divinity.

In the event a student for any reason ceases to continue to be enrolled or otherwise becomes ineligible during the course of an academic year, he shall cease to be eligible for tuition aid. Both the student and the institution shall have the responsibility to notify the Student Assistance Board when a student ceases to be eligible to receive student assistance because of withdrawal for any reason or a change in status from a full to part-time student.

(b) Amount of grant. The amount of a tuition aid grant under this act to any student attending an institution of higher education in New Jersey shall be established by the Student Assistance Board but shall not exceed the maximum amount of tuition normally charged at a public institution of higher education for students attending that institution or 50% of the average tuition normally charged at the independent colleges and universities for

students attending those institutions. The amount of a New Jersey Tuition Assistance Grant under this act to any student attending an institution of higher education in any state other than New Jersey pursuant to this section shall not exceed \$500.00 in an academic year. The amount of grant to be paid for each semester or equivalent shall be based on the financial need for such a grant, as determined by standards and procedures established by the Student Assistance Board and approved by the commission. The standards and procedures which shall be established by the Student Assistance Board for the Fiscal Year 1978-79 shall be submitted to the Legislature, together with appropriate supporting information, and such standards and procedures shall be deemed approved by the Legislature at the end of 30 calendar days after the date on which they are transmitted to the Legislature, or if the Legislature is not in session on the 30th day, then on the next succeeding day on which it shall be meeting, unless between the date of transmittal and the end of the 30-day period the Legislature passes a concurrent resolution rejecting the standards and procedures, in which case the standards and procedures then in effect shall continue in effect.

Any subsequent revisions of said standards and procedures shall be submitted to the Legislature, together with appropriate supporting information, and such standards and procedures shall be deemed approved by the Legislature at the end of 60 calendar days after the date on which they are transmitted to the Legislature, or if the Legislature is not in session on the 60th day, then on the next succeeding day on which it shall be meeting, unless between the date of transmittal and the end of the 60-day period the Legislature passes a concurrent resolution rejecting the standards and procedures, in which case the standards and procedures then in effect shall continue in effect.

(c) Appropriations for each program category of tuition aid grants shall be separately made by line item.

221. Section 2 of P.L.1979, c.229 (C.18A:71-78) is amended to read as follows:

C.18A:71-78 Appropriation.

2. There shall be appropriated to the Department of the Treasury in any general or supplemental appropriation act such sums as shall be necessary to carry out the purposes of this act.

222. Section 5 of P.L.1991, c.272 (C.18A:71-91) is amended to read as follows:

C.18A:71-91 Financial incentive program.

5. a. The Treasurer, in consultation with the Commission on Higher Education, shall also provide for additional financial incentives to be provided to holders of Garden State Savings Bonds to encourage the enrollment of students at institutions of higher education located in the State of New Jersey. These financial incentives shall be in such forms as determined by the Treasurer in consultation with issuing officials at the time of the authorization of the Garden State Savings Bonds and shall at a minimum provide that each participating institution shall guarantee that the value of Garden State Savings Bonds redeemed for the purposes of the payment of tuition, fees, and other educational costs at the institution, shall, at the time of matriculation of the student, be increased by not less than six percent of the face value of the bonds at the time of redemption. Two percent of the incentive amount shall be paid by the State, and four percent by participating institutions.

b. Every public institution of higher education in New Jersey shall participate in the financial incentive program. Independent institutions of higher education in New Jersey may elect to participate in the program. Each independent institution which elects to participate shall enter into a contract with the Department of the Treasury which shall, at a minimum, define the terms of participation and establish conditions under which an institution may withdraw from the program. Any independent institution that withdraws from the program shall guarantee to provide the financial incentives in effect for all bonds purchased during the period in which the institution was a participant in the program.

c. The original purchaser and any member of the immediate family of the original purchaser of a Garden State Savings Bond shall be eligible for the financial incentive program established pursuant to this section.

223. Section 7 of P.L.1991, c.272 (C.18A:71-93) is amended to read as follows:

C.18A:71-93 Report of bond sales.

7. The Treasurer or the issuing authority or agency shall submit a report after each bond issuance to the Commission on Higher Education detailing the results of each separate sale of Garden State Savings Bonds.

224. Section 8 of P.L.1991, c.272 (C.18A:71-94) is amended to read as follows:

C.18A:71-94 Other incentives, conditions of sale.

8. The Treasurer shall, in consultation with the Commission on Higher Education, approve the following:

- a. Additional financial incentives as provided in this act;
- b. Limits that may be imposed on the amount of Garden State Savings Bonds that may be purchased by individual households;
- c. Minimum denominations to market the Garden State Savings Bonds so that they are affordable by individuals; however, each issue shall be offered with sufficient bonds at a purchase price of \$100 to satisfy demand;

In addition, the Treasurer shall evaluate the feasibility of staggered or periodic forms of payments for Garden State Savings Bonds, and to advise the issuing officials regarding such evaluation.

225. Section 9 of P.L.1991, c.272 (C.18A:71-95) is amended to read as follows:

C.18A:71-95 Assessment, recommendations.

9. The Commission on Higher Education and the Treasurer shall assess the effectiveness of the program and recommend any necessary changes to the issuing officials regarding future bond sales after the initial sale of Garden State Savings Bonds.

226. Section 5 of P.L.1991, c.296 (C.18A:71-100) is amended to read as follows:

C.18A:71-100 Other fees.

5. Nothing in this act shall preclude a public institution of higher education from requiring the payment of other fees, subject to approval by the State Treasurer, for individuals attending courses pursuant to the provisions of this act.

227. Section 6 of P.L.1991, c.296 (C.18A:71-101) is amended to read as follows:

C.18A:71-101 Rules, regulations.

6. The State Treasurer shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations necessary to implement the provisions of this act.

228. N.J.S.18A:72-2 is amended to read as follows:

Terms defined.

18A:72-2. As used in this chapter, unless the context indicates another or different meaning, the following words shall have the following meanings:

"Authority" means the higher education assistance authority created by this chapter, or any board, body, commission, department or officer succeeding to the principal functions thereof or to whom the powers conferred upon the authority by this chapter shall be given by law,

"Bond" means bonds or notes of the authority issued pursuant to this chapter,

"Lender" includes the authority and any institution authorized to make loans under N.J.S.18A:72-9,

"Fund" means the higher education assistance fund,

"Other eligible institution" means a business or trade school, or technical institution or other technical or vocational school, in any state which (1) admits as regular students only persons who have completed or left elementary or secondary school and who have the ability to benefit from the training offered by such institution; (2) is legally authorized to provide, and provides within that state, a program of post-secondary vocational or technical education designed to fit individuals for useful employment in recognized occupations; (3) has been specially accredited by the federal Commissioner of Education or by an accrediting agency recognized by him or has been approved by the authority.

"Post-secondary nondegree institution of higher education" means a county college licensed by the Commission on Higher Education or a trade or business school otherwise licensed or approved and operated and requiring a high school diploma or its equivalent for admission and offering a course or courses of study with a minimum length of two academic years and of not less than 1,800 hours in any one or more of the following fields:

- A. Accounting and finance,
- B. Airframe and power plant mechanics,
- C. Automotive mechanics,
- D. Commercial art,
- E. Drafting and design technology (aeronautical, architectural, electronic, mechanical, structural, tool and die),
- F. Economic engineering,
- G. Electronics,
- H. Fashion and textile design,
- I. Higher accounting and business administration,

- J. Industrial management technology,
- K. Medical and X-ray technology,
- L. Metallurgical technology,
- M. Secretarial (administrative, executive, legal, medical, data processing),
- N. Terminal courses or college credit transfer courses in liberal arts and sciences.

229. N.J.S.18A:72-3 is amended to read as follows:

Higher Education Assistance Authority created.

18A:72-3. There is hereby created in but not of the Department of the Treasury the Higher Education Assistance Authority, which shall be a body corporate and politic, with corporate succession. Notwithstanding this allocation, the authority shall be independent of any supervision or control by the department or by any officer thereof. The authority shall constitute an instrumentality of the State exercising public and essential governmental functions, and the exercise by the authority of the powers conferred by this chapter shall be deemed and held to be an essential governmental function of the State.

230. N.J.S.18A:72-4 is amended to read as follows:

Membership.

18A:72-4. The authority shall consist of eight members; one of whom shall be the chairman of the Commission on Higher Education, ex officio; one of whom shall be the State Treasurer, ex officio, or the treasurer's designee; and six of whom shall be residents of this State, appointed by the Governor, with the advice and consent of the Senate, for terms of four years, except in the case of the first members so appointed, who shall be appointed one for a term of one year, one for a term of two years, and one for a term of three years. No more than three of the appointed commissioners shall be members of the same political party, and each of them shall serve until his successor is appointed and has qualified. The membership of the authority may include representatives of lending institutions or institutions of higher education within the State of New Jersey. Any vacancy in the membership of the authority, occurring otherwise than by expiration of term, shall be filled in the same manner as the original appointment was made, but for the unexpired term only.

231. N.J.S.18A:72-10 is amended to read as follows:

Powers of authority.

18A:72-10. The authority shall have the following powers:

(1) (a) To make loans

(i) To persons or to assist in the placing of loans to persons, who are residents of this State, and who are attending and are in good standing in, or who plan to attend, any qualified institution of collegiate grade, located in this State or elsewhere, which is approved by any regional accrediting association recognized by the national commission on accrediting, or licensed by the Commission on Higher Education, any qualified post-secondary nondegree institution of higher education, located in this State or elsewhere, or any other eligible institution, or

(ii) To persons who reside outside this State and who plan to attend, are enrolled in or are attending in good standing any eligible educational institution located within this State or elsewhere, or

(iii) To parents of persons meeting requirements set forth in (i) or (ii) above, in order to assist them in meeting expenses of higher education, and to guarantee such loans upon such terms and conditions as the authority may prescribe, in an amount for any academic year or in total as may be authorized by the New Jersey Higher Education Assistance Authority; provided, however, that such amounts may not exceed in any given year or in total that amount which is guaranteed by the federal government.

For the purposes of this section, a qualified institution of collegiate grade shall be deemed to include a school of professional nursing accredited or approved by the New Jersey Board of Nursing, and a qualified post-secondary nondegree institution of higher education located outside the State shall mean and include any such institution offering courses in one or more of the fields enumerated, and meeting the admission standards set forth in N.J.S.18A:72-2.

(b) When the authority determines that higher annual or cumulative student loan limits than those established in section (1)(a) are warranted in order to carry out the purposes of the statute with regard to students engaged in high cost graduate or professional education, the authority may make or guarantee loans to eligible students in amounts to correspond to those higher limits.

(2) To adopt rules not inconsistent with law governing the application for and the guarantee of loans made by the authority and governing any other matters related to its activities.

(3) To buy and sell approved notes evidencing loans made under this chapter, and to buy and sell participations in approved notes made pursuant to this chapter.

(4) From time to time to issue its negotiable bonds and bond anticipation notes for the purpose of providing funds (a) to carry out any purposes of the authority under this chapter, including, without limitation, making or purchasing loans under any provision of this chapter; (b) to purchase from lenders approved notes or participations in approved notes as provided by law; and (c) for the refunding of outstanding bonds.

(5) To engage in programs which state guaranty agencies are authorized to participate in pursuant to 20 U.S.C. § 1071 et seq. as amended.

(6) To perform any other acts which may be deemed necessary or appropriate to carry out the objects and purposes of this chapter.

232. N.J.S.18A:72-11 is amended to read as follows:

Conditions for approval.

18A:72-11. Any application for a loan under this chapter shall be submitted to the authority for its approval, and the authority shall approve the same only if it finds that the applicant:

a. (1) Is a resident of New Jersey and has demonstrated high moral character, good citizenship and dedication to American ideals; or

(2) Is a resident of a state other than this State, and has been admitted to, or is in regular attendance at and is in good standing in, an eligible educational institution located within this State or elsewhere; and

b. Intends to make application for admission to, or has been admitted to, or is in regular attendance at and is in good standing in, a qualified institution of collegiate grade approved by any regional accrediting association recognized by the national commission on accrediting, or licensed by the Commission on Higher Education, a qualified post-secondary nondegree institution of higher education or any other eligible institution; or

c. Is the parent of such eligible person; and

d. Has complied with all rules adopted by the authority pursuant to this chapter in connection with the granting of such loans.

233. N.J.S.18A:72-12 is amended to read as follows:

Approval and granting of loan; incentive fees.

18A:72-12. (1) Upon approval by the authority of a loan application, any lender may make the loan as approved and upon the terms and conditions required under this chapter, but no moneys shall be advanced or paid under any such loan until the applicant shall have satisfied the authority, and, unless the authority is the lender, the authority shall have certified to the lender, that the applicant has been admitted to, or is in regular attendance and in good standing at, a qualified institution of collegiate grade approved by any regional accrediting association recognized by the national commission on accrediting or licensed by the Commission on Higher Education, a qualified post-secondary nondegree institution of higher education or any other eligible institution. Any lender making a loan shall cooperate with the authority in supervising the use of credit in accordance with its purposes. The check representing the loan proceeds shall be made payable to the applicant and eligible institution jointly, except when the applicant is attending an eligible institution not located in the United States or when the loan is made to the parent of an eligible student, in which instance the check may be made payable to the applicant only.

(2) Notwithstanding the provisions of N.J.S.18A:72-11 or of subsection (1) of this section, the authority may approve a loan for the purposes of this chapter, after it has been made by a lender and the proceeds thereof disbursed by the lender for the purposes of this chapter, provided such loan would have been approved by the authority had prior application been made therefor pursuant to N.J.S.18A:72-11. A loan which is so approved after it has been made shall, from the time of its approval, be treated for all purposes of this chapter in the same manner as if such loan had been applied for and approved by the authority prior to its making, and the lender making such loan shall have the same rights under this chapter in respect to such loan as it would have had if the loan had been applied for and approved by the authority prior to its making.

(3) As an incentive to lenders to make loans under this chapter, the authority may, by resolution of the members thereof, provide for the payment to lenders of an incentive fee solely with respect to loans made, placed or guaranteed after August 1, 1969, which incentive fee shall be computed on any one of the following bases:

(i) a single fee at the rate not exceeding $1/2$ of 1%, computed on the amount of each such loan for the period from the making of such loan to the date repayment begins; or (ii) a single fee not to exceed \$25.00 per borrower per academic year; or (iii) such

other form and amount of incentive fee as shall be fixed from time to time by rule of the authority.

(4) If an eligible institution determines during the term of a loan that the student debtor is entitled to a credit against tuition or other fees, such credit shall be made directly to the lender, who shall deduct the amount of the credit from the loan balance.

234. N.J.S.18A:72-20 is amended to read as follows:

Additional functions and powers of authority.

18A:72-20. The authority may, with respect to the exercise of its functions related to loans guaranteed by it under this chapter, the provisions of any other law to the contrary notwithstanding:

(1) Consent to the modification, with respect to rate of interest, time of payment of principal or interest or any portion thereof, or other provisions of any note, or any instrument securing a loan which has been guaranteed by the authority;

(2) Authorize payment or compromise, subject to the approval in writing of the attorney general, of any claim upon or arising as a result of any such guaranty;

(3) Authorize payment, compromise, waiver or release, subject to the approval in writing of the attorney general, of any debt, right, title, claim, lien or demand, however acquired, including any equity or right of redemption and the waiver or release of any debt, right, title, claim, lien or demand including any equity or right of redemption shall be sufficient if executed by the chair of the authority on behalf of the authority. The register or county clerk of any county and the clerk of any court is hereby authorized to cancel of record any lien, including but not limited to judgments, chattel mortgages and conditional sales agreements whenever the document evidencing such cancellation or request for cancellation is signed by the chair of the authority on behalf of the authority; and the register and the clerk of any county is authorized to record any documents of the authority signed by the chair of the authority;

(4) Purchase at any sale, public or private, upon such terms and for such prices as it determines to be reasonable and take title to, property, real, personal or mixed;

(5) Sell at public or private sale, exchange, assign, convey or otherwise dispose of any such property upon such terms and for such prices as it determines to be reasonable;

(6) Complete, administer, operate, obtain and authorize payment for insurance on and maintain, renovate, repair, modernize, lease or otherwise deal with any property acquired or held by it pursuant to this chapter;

(7) Authorize payment from the fund and any income received by the investment of said fund, subject to the rules of the authority, disbursements, costs, commissions, attorney's fees and other reasonable expenses related to and necessary for making and protection of guaranteed loans and the recovery of moneys, loans or management of property acquired in connection with such loans.

235. Section 7 of P.L.1991, c.268 (C.18A:72-40) is amended to read as follows:

C.18A:72-40 Conditions for eligibility.

7. An eligible student under the NJ CLASS Loan Program is a student who cannot obtain federally guaranteed student loans either because those loans are not available or because the student does not meet the program eligibility requirements as defined by the federal government, or who requires the NJ CLASS loan to supplement the student's federally guaranteed loans and unless otherwise restricted by the authority by regulation, such student shall:

a. Be a New Jersey resident enrolled on at least a half-time basis as an undergraduate or graduate student in a curriculum leading to a degree or certificate in an institution of collegiate grade in New Jersey, licensed by the Commission on Higher Education and accredited by a regional accrediting association recognized by the Council on Postsecondary Accreditation; or

b. Be a New Jersey resident enrolled on a least a half-time basis as an undergraduate or graduate student in a curriculum leading to a degree or certificate in an out-of-State institution of collegiate grade accredited by an accrediting association recognized by the Council on Postsecondary Accreditation; or

c. Reside outside this State and be enrolled on at least a half-time basis as an undergraduate or graduate student in a curriculum leading to a degree or certificate in an institution of collegiate grade in New Jersey, licensed by the Commission on Higher Education and accredited by a regional accrediting association recognized by the Council on Postsecondary Accreditation.

236. N.J.S.18A:72A-4 is amended to read as follows:

Authority created; members; terms; organization meetings; Governor's veto power.

18A:72A-4. (a) There is hereby established in but not of the Department of the Treasury a public body corporate and politic, with corporate succession to be known as the "New Jersey educational facilities authority." Notwithstanding this allocation, the authority shall be independent of any supervision or control by the department or any officer thereof. The authority shall constitute a political subdivision of the State established as an instrumentality exercising public and essential governmental functions, and the exercise by the authority of the powers conferred by this chapter shall be deemed and held to be an essential governmental function of the State.

(b) The authority shall consist of seven members, two of whom shall be the chairman of the Commission on Higher Education, ex officio, and the State Treasurer, ex officio, or when so designated by them, their deputies and five citizens of the State to be appointed by the Governor with the advice and consent of the Senate for terms of five years; provided that the terms of the members first appointed shall be arranged by the Governor so that one of such terms shall expire on April 30 in each successive year ensuing after such appointments. Each member shall hold office for the term of his appointment and shall continue to serve during the term of his successor unless and until his successor shall have been appointed and qualified. Any vacancy among the members appointed by the Governor shall be filled by appointment for the unexpired term only. A member of the authority shall be eligible for reappointment.

(c) Any member of the authority appointed by the Governor may be removed from office by the Governor for cause after a public hearing.

(d) The members of the authority shall serve without compensation, but the authority may reimburse its members for necessary expenses incurred in the discharge of their duties.

(e) The authority, upon the first appointment of its members and thereafter on or after April 30 in each year, shall annually elect from among its members a chairman and a vice chairman who shall hold office until April 30 next ensuing and shall continue to serve during the terms of their respective successors unless and until their respective successors shall have been appointed and qualified. The authority may also appoint, retain and employ, without regard to the provisions of Title 11, Civil Service, of the Revised Statutes, such officers, agents, employees

and experts as it may require, and it shall determine their qualifications, terms of office, duties, services and compensation.

(f) The powers of the authority shall be vested in the members thereof in office from time to time and a majority of the total authorized membership of the authority shall constitute a quorum at any meeting thereof. Action may be taken and motions and resolutions adopted by the authority at any meeting thereof by the affirmative vote of a majority of the members present, unless in any case the bylaws of the authority shall require a larger number. No vacancy in the membership of the authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the authority.

(g) Before the issuance of any bonds under the provisions of this chapter, the members and the officer of the authority charged with the handling of the authority's moneys shall be covered by a surety bond or bonds in a penal sum of not less than \$25,000.00 per person conditioned upon the faithful performance of the duties of their respective offices, and executed by a surety company authorized to transact business in the State of New Jersey as surety. Each such bond shall be submitted to the attorney general for his approval and upon his approval shall be filed in the Office of the Secretary of State prior to the issuance of any bonds by the authority. At all times after the issuance of any bonds by the authority the officer of the authority and each member charged with the handling of the authority's moneys shall maintain such surety bonds in full force and effect. All costs of such surety bonds shall be borne by the authority.

(h) Notwithstanding any other law to the contrary, it shall not be or constitute a conflict of interest for a trustee, director, officer or employee of a participating college to serve as a member of the authority; provided such trustee, director, officer or employee shall abstain from discussion, deliberation, action and vote by the authority under this chapter in specific respect to such participating college of which such member is a trustee, director, officer or employee.

(i) A true copy of the minutes of every meeting of the authority shall be forthwith delivered by and under the certification of the secretary thereof, to the Governor. No action taken at such meeting by the authority shall have force or effect until 10 days after such copy of the minutes shall have been so delivered. If, in said 10-day period, the Governor returns such copy of the minutes with veto of any action taken by the authority or any member thereof at such meeting, such action shall be null and of no effect. If the Governor shall not return the minutes within said 10-day

period, any action therein recited shall have force and effect according to the wording thereof. At any time prior to the expiration of the said 10-day period, the Governor may sign a statement of approval of any such action of the authority, in which case the action so approved shall not thereafter be disapproved.

Notwithstanding the foregoing provisions of this subsection (i), with regard to the sale and award of bonds of the authority, the authority shall furnish to the Governor a certified copy of the minutes of the meeting at which said bonds are sold and awarded forthwith upon the taking of such action and the Governor shall indicate his approval or disapproval of such action prior to the end of the business day upon which such action of the authority was taken.

The powers conferred in this subsection (i) upon the Governor shall be exercised with due regard for the rights of the holders of bonds of the authority at any time outstanding, and nothing in, or done pursuant to, this subsection (i) shall in any way limit, restrict or alter the obligation or powers of the authority or any representative or officer of the authority to carry out and perform in every detail each and every covenant, agreement or contract at any time made or entered into by or on behalf of the authority with respect to its bonds or for the benefit, protection or security of the holders thereof.

237. N.J.S.18A:72A-24 is amended to read as follows:

Visitorial powers; Governor.

18A:72A-24. The Governor may visit, examine into and inspect, the authority as an institution under the educational supervision of the State, and may require, as often as desired, duly verified reports therefrom giving such information and in such form as the Governor shall prescribe.

238. N.J.S.18A:72A-26 is amended to read as follows:

Powers and duties of treasurer; institutions under State jurisdiction.

18A:72A-26. In order to provide new dormitories and to enable the construction and financing thereof, to refinance indebtedness hereafter created by the authority for the purpose of providing a dormitory or dormitories or additions or improvements thereto, or for any one or more of said purposes, but for no other purpose unless authorized by law, each of the following bodies shall have the powers hereafter enumerated to be exercised upon such terms and conditions, including the fixing of any con-

sideration or rental to be paid or received, as it shall determine by resolution as to such property and each shall be subject to the performance of the duties hereafter enumerated, that is to say, the treasurer as to such as are located on land owned by the State or by the authority, the board of governors of the university, the board of trustees of the New Jersey Institute of Technology or the University of Medicine and Dentistry of New Jersey, the board of trustees of a State college or the board of trustees of a county college as to such as are located on land owned by the university or by the particular college respectively, namely:

a. The power to sell and to convey to the authority title in fee simple in any such land and any existing dormitories thereon owned by the State or owned by the board of trustees of a county college or the power to sell and to convey to the authority such title as the university or the college respectively may have in any such land and any existing dormitories thereon.

b. The power to lease to the authority any land and any existing dormitories thereon so owned for a term or terms not exceeding 50 years each.

c. The power to lease or sublease from the authority, and to make available, any such land and existing dormitories conveyed or leased to the authority under subsections a. and b. of this section, and any new dormitories erected upon such land or upon any other land owned by the authority, any rentals to be payable, as to the university or as to any such college from available funds other than moneys appropriated to it by the State.

d. The power and duty, upon receipt of notice of any assignment by the authority of any lease or sublease made under subsection c. of this section, or of any of its rights under any such lease or sublease, to recognize and give effect to such assignment, and to pay to the assignee thereof rentals or other payments then due or which may become due under any such lease or sublease which has been so assigned by the authority.

239. N.J.S.18A:72A-27.1 is amended to read as follows:

Powers and duties, revenue producing facilities.

18A:72A-27.1. In addition to the powers and duties with respect to dormitories given under N.J.S.18A:72A-26 and 18A:72A-27 the treasurer, the board of governors of the university, the board of trustees of the New Jersey Institute of Technology, the board of trustees of a State college, the board of trustees of a county college

and the board of trustees of the University of Medicine and Dentistry of New Jersey shall also have the same power and be subject to the same duties in relation to any conveyance, lease or sublease made under subsection a., b., or c. of section 18A:72A-26, with respect to revenue producing facilities; that is to say, structures or facilities which produce revenues sufficient to pay the rentals due and to become due under any lease or sublease made under subsection c. of section 18A:72A-26 including, without limitation, student unions and parking facilities.

240. Section 2 of P.L.1988, c.159 (C.18A:72A-27.3) is amended to read as follows:

C.18A:72A-27.3 Proposed projects.

2. a. Following final approval by the board of trustees of a proposed project for the acquisition, construction or financing of any non-revenue producing educational facility, the board of trustees shall, on a day when both houses of the Legislature are meeting, submit the proposal to the President of the Senate and the Speaker of the General Assembly, and submit informational copies of the proposal to the members of the Senate Budget and Appropriations Committee and the Assembly Appropriations Committee, or their successors and to the Commission on Higher Education. The submission shall include all appropriate supporting information, including, at a minimum, a description of the project, its impact, cost and construction schedule, and a detailed explanation of the sources of revenue which will be dedicated to the financing of the project.

b. The proposal as submitted to the Legislature shall be deemed approved after 60 days, as provided herein, of the date on which the proposal and the supporting information were submitted to the Legislature, unless between the date of submission and the end of the 60-day period, the Legislature passes a concurrent resolution approving the proposal with modifications or rejecting the proposal. The 60 days shall commence on the day of submission and expire on the 60th day after submission or for a house not meeting on the 60th day, on the next meeting day of that house.

241. N.J.S.18A:72A-29 is amended to read as follows:

Lands, assets, titled in name of State.

18A:72A-29. All lands and other assets real or personal presently titled in the name of the State Board of Higher Education or

the State Department of Higher Education, which are occupied by a public institution of higher education shall be titled in the name of the State of New Jersey only. All conveyances, leases and subleases, pursuant to this chapter shall be made, executed and delivered in the name of the State and shall be signed by the State Treasurer and sealed with the seal of the State subject to the approval of the State House Commission.

To the extent not otherwise expressly provided under existing law, all powers and duties conferred upon the university pursuant to this chapter shall be exercised and performed by resolution of its board of governors and all powers and duties conferred upon any of said colleges pursuant to this chapter shall be exercised and performed by resolution of its board of trustees.

All conveyances, leases and subleases made pursuant to this chapter, when duly authorized by the university, shall be made, executed and delivered in the name of the university and shall be signed by its president or a vice president and sealed with the seal of the university and all conveyances, leases and subleases made pursuant to this chapter, when duly authorized by any of said colleges, shall be made, executed and delivered in the name of the college and shall be signed by the president or a vice president and sealed with the seal of the college.

242. Section 3 of P.L.1979, c.132 (C.18A:72B-17) is amended to read as follows:

C.18A:72B-17 Definitions.

3. As used in this act:

a. "Eligible institution" or "institution" means only those independent institutions of higher education incorporated and located in this State, which, by virtue of law or character or license, are nonprofit educational institutions empowered to grant academic degrees and which provide a level of education which is equivalent to the education provided by the State's public institutions of higher education as attested by the receipt of and continuation of regional accreditation by the Middle States Association of Colleges and Schools, and which are eligible to receive State aid under the provisions of the Constitution of the United States and the Constitution of the State of New Jersey. "Eligible institution" does not include any educational institution dedicated primarily to the preparation or training of ministers, priests, rabbis, or other professional persons in the field of religion.

b. "New Jersey student" means any resident of this State as defined pursuant to section 1 of P.L.1979, c.361 (C.18A:62-4).

c. "Academic year" means the normal period of attendance, excluding summer session, for a full-time undergraduate student to make a year's progress toward a degree.

d. "Full-time equivalent student in an eligible institution" means a unit of 32 undergraduate student credit hours.

e. "Undergraduate student" means a student enrolled in a program leading to an associate or baccalaureate degree, or to a certificate, diploma or its equivalent, awarded by the institution.

f. "Direct per student support for the State college sector" means the average direct net State support per budgeted full-time equivalent student at the State colleges. This average shall be derived from the General Appropriation Act for the pre-budget year by taking the sum of the total appropriation amounts for all State colleges, except Thomas A. Edison College of New Jersey, subtracting from that sum debt service and capital costs and the sum of anticipated revenues at the State colleges, except Edison College, for tuitions, other student fees, School of Conservation, and miscellaneous; and dividing the remainder by the total number of budgeted full-time equivalent students at the State colleges, as stipulated in language in said Appropriation Act.

g. "Department" means the Department of the Treasury.

h. (Deleted by amendment, P.L.1994, c.48).

i. "Pre-budget year" means the fiscal year preceding the year in which the budget is implemented.

243. Section 4 of P.L.1979, c.132 (C.18A:72B-18) is amended to read as follows:

C.18A:72B-18 Payment to institutions; formula; distribution of funds.

4. The State Treasurer, subject to the availability of appropriations, is authorized to contract with eligible independent colleges and universities in this State to provide educational services to New Jersey students. Payment to the institutions shall be based upon the number of full-time equivalent New Jersey undergraduates enrolled during the pre-budget year in the independent institutions multiplied by 25% of the level of direct per student support for the State college sector during the pre-budget year. The total funding generated by the preceding formula shall be distributed as follows:

a. Ten percent of this total shall be divided equally among the eligible institutions. These "designated" amounts shall be awarded to each institution except in any instance where the amount of dollars designated for a particular institution under this section exceeds the total amount to be awarded to that institution under subsections b. and c. of this section. In such instances, the funds designated under subsection a. shall be reduced to equal the total of subsections b. and c., which shall be the amount awarded to the institution under this section. The difference between the amount designated and the amount awarded under this section shall be returned to the department.

b. Thirty-five percent shall be distributed on the basis of New Jersey students who received State financial aid or aid administered by such institutions of \$1,000.00 or more, in all cases exclusive of loans, during the pre-budget year.

c. Fifty-five percent shall be distributed on the basis of New Jersey full-time equivalent students, as herein defined, enrolled in such institutions during the pre-budget year.

The funds granted under this act may be used by the institutions for any purposes which they deem to be appropriate to maintaining or enhancing the quality of the academic offerings available to New Jersey students, except for purposes of sectarian instruction, the construction or maintenance of sectarian facilities, or for any other sectarian purpose or activity. For the purposes of this act the number of full-time equivalent students at the eight State colleges for the 1979-80 academic year is 54,380.

244. Section 5 of P.L.1979, c.132 (C.18A:72B-19) is amended to read as follows:

C.18A:72B-19 Maintenance of funds; audit of records.

5. Funds received by an institution pursuant to this act shall be maintained in a separate ledger account. Each institution shall cause an audit of such account and of enrollment figures to be made annually by a certified public accountant and forwarded to the treasurer. The treasurer shall have the right to audit institutional records pertaining to this act. Each institution also shall furnish to the board a copy of its audited annual financial statement.

245. Section 6 of P.L.1979, c.132 (C.18A:72B-20) is amended to read as follows:

C.18A:72B-20 Suspension and recovery of funds.

6. In the event any institution shall expend such funds in violation of the provisions of this act or the rules or regulations of the treasurer, the treasurer may suspend further aid to such institutions and recover any such funds theretofore misspent.

246. Section 8 of P.L.1979, c.132 (C.18A:72B-22) is amended to read as follows:

C.18A:72B-22 Rules and policies.

8. The State Treasurer shall promulgate rules and adopt policies and make all determinations necessary for the proper administration and enforcement of the provisions of this act.

247. Section 1 of P.L.1987, c.312 (C.18A:72B-25) is amended to read as follows:

C.18A:72B-25 "School" defined.

1. As used in this act:

"School" means the Morehouse School of Medicine in Atlanta, Georgia.

248. Section 2 of P.L.1987, c.312 (C.18A:72B-26) is amended to read as follows:

C.18A:72B-26 Contract for acceptance of New Jersey residents.

2. The State Treasurer is authorized to contract with the Morehouse School of Medicine for the acceptance of New Jersey residents to study medicine.

249. Section 3 of P.L.1987, c.312 (C.18A:72B-27) is amended to read as follows:

C.18A:72B-27 Eligibility.

3. Commencing with the first year class to be admitted for the 1987-88 academic year, the treasurer shall contract with the school for the acceptance of two to four medical students. The students shall be residents of New Jersey who are from a disadvantaged or minority background and are certified as eligible by the treasurer. Admission of eligible applicants is based solely on academic merit.

250. Section 4 of P.L.1987, c.312 (C.18A:72B-28) is amended to read as follows:

C.18A:72B-28 Review of admissions procedures, records.

4. The treasurer, at his discretion, shall periodically review the school's admissions procedures and records to determine if these procedures comply with the terms of the contract.

251. Section 6 of P.L.1987, c.312 (C.18A:72B-30) is amended to read as follows:

C.18A:72B-30 \$11,000 per year per student.

6. The treasurer shall pay to the school \$11,000.00 per year for each eligible student attending the school pursuant to this act, provided that the school charges the student only the tuition and fees required of resident students. Any showing of a discriminatory practice against a student admitted pursuant to this act in areas such as tuition, financial aid, the quality of instruction or housing or any other area is grounds for termination of the contract by the board.

252. Section 7 of P.L.1987, c.312 (C.18A:72B-31) is amended to read as follows:

C.18A:72B-31 Conditions.

7. a. To be certified by the treasurer as eligible for admission to the school pursuant to this act, the applicant shall (1) be a resident of New Jersey for at least 12 months; and (2) enter into a written agreement to practice medicine for at least four years following the completion of training in an area of the State designated by the Commissioner of Health as one with a shortage of physicians.

b. No student admitted to the study of medicine at a medical school within this State shall be certified by the treasurer as eligible for admission to the school pursuant to this act.

c. Each agreement shall provide (1) that if the applicant fails to complete medical school, the applicant is liable to reimburse the treasurer for the amount paid to the school to support his education, plus interest in an amount equal to the current prevailing market rate; and (2) that if the applicant, upon licensure as a physician, fails to practice in the designated area for four years, the applicant is liable to reimburse the treasurer for the amount paid to the school to support his education, plus interest in an amount equal to twice the current prevailing market rate. The agreement shall also contain a clause under which the applicant consents to the exercise of jurisdiction over the cause of action by the courts of New Jersey and the execution of a judgment rendered by the New Jersey courts in any jurisdiction.

d. The treasurer may waive the requirement of reimbursement upon the death or disability of the individual.

253. Section 8 of P.L.1987, c.312 (C.18A:72B-32) is amended to read as follows:

C.18A:72B-32 Resident training program.

8. The school, at a time agreed upon with the treasurer, shall implement a resident training program with a New Jersey hospital, if it is determined that an appropriate out-of-State training program is not available.

254. Section 2 of P.L.1979, c.39 (C.18A:72C-2) is amended to read as follows:

C.18A:72C-2 Selection of scholars; tenure.

2. Each institution awarded an Einstein Chair under this act shall select an outstanding scholar to fill the chair on such terms and conditions as may be agreed upon, within the appropriations provided for said chairs. Each person appointed to the Einstein Chair may be granted tenure on appointment.

255. Section 60 of P.L.1991, c.187 (C.18A:72D-12) is amended to read as follows:

C.18A:72D-12 Definitions.

60. As used in sections 60 through 76 of P.L.1991, c.187 (C.18A:72D-12 et seq.):

"Eligible student loan expenses" means the cumulative total of the annual student loans covering the cost of attendance at an undergraduate institution of medical or dental education. Interest paid or due on student loans that an applicant has taken out for use in paying the costs of undergraduate medical or dental education shall be considered eligible for reimbursement under the program. The executive director of student assistance programs may establish a limit on the total amount of student loans which may be redeemed for participants under the program, provided that the total redemption of student loans does not exceed \$70,000.

"Medically underserved area" means an urban or rural area which need not conform to the geographic boundaries of a political subdivision within the State but which shall be defined in terms of census tracts, if possible, which is a rational area for the

delivery of health services and which has a medical or dental manpower shortage as determined by the Commissioner of Health; or a population group which the commissioner determines has a medical or dental manpower shortage; or a public or non-profit private health care facility or other facility which is so designated.

"Primary care" includes the practice of family medicine, general internal medicine, general pediatrics, general obstetrics, gynecology, and any other areas of medicine which the Commissioner of Health may define as primary care. Primary care also includes the practice of general dentistry and pedodontics.

"Primary Care Physician and Dentist Loan Redemption Program" means a program which provides for the redemption of the eligible student loan expenses of its participants.

"Undergraduate medical or dental education" means the period of time between entry into medical or dental school and the award of the medical (M.D., D.O.) degree or dental (D.M.D., D.D.S.) degree, respectively.

256. Section 61 of P.L.1991, c.187 (C.18A:72D-13) is amended to read as follows:

C.18A:72D-13 Primary Care Physician and Dentist Loan Redemption Program established.

61. There is established a Primary Care Physician and Dentist Loan Redemption Program within the Office of Student Assistance. The program shall provide for the redemption of a portion of the eligible student loan expenses of program participants for each year of service in a medically underserved area of the State as designated by the Commissioner of Health.

257. Section 63 of P.L.1991, c.187 (C.18A:72D-15) is amended to read as follows:

C.18A:72D-15 Designation of medically underserved areas.

63. The Commissioner of Health, after consultation with the Commissioner of Corrections and the Commissioner of Human Services, shall designate and establish a ranking of medically underserved areas of the State. The criteria used by the Commissioner of Health in designating underserved areas shall include, but not be limited to:

a. the ratio of the supply of primary care physicians and dentists by relative specialty to the population under consideration

with a goal of meeting current standards for physician and dentist to population ratios in primary care medical and dental specialties;

b. the financial resources of the population under consideration;

c. the population's access to medical and dental services; and

d. appropriate physician and dentist staffing ratios in State, county, municipal and private nonprofit health care facilities.

The commissioner shall annually transmit the list of medically underserved areas and the number of positions needed in each area to the executive director.

258. Section 64 of P.L.1991, c.187 (C.18A:72D-16) is amended to read as follows:

C.18A:72D-16 Agreement for participation in loan redemption program.

64. A medical or dental student who is eligible and interested in participating in the loan redemption program shall sign a non-binding agreement with the Office of Student Assistance upon completion of the final year of undergraduate medical or dental training, as appropriate. At the end of the final year of residency training in the case of a physician, and at the end of the final year of undergraduate dental training or residency training if such training is required in a primary care dental specialty in the case of a dentist, the applicant shall sign a contractual agreement with the office. The agreement shall specify the applicant's length of required service and the total amount of eligible student loan expenses to be redeemed by the State in return for service. The agreement shall also stipulate that the applicant has knowledge of and agrees to the six-month probationary period required prior to final acceptance into the program pursuant to section 66 of P.L.1991, c.187 (C.18A:72D-18).

259. Section 66 of P.L.1991, c.187 (C.18A:72D-18) is amended to read as follows:

C.18A:72D-18 Probationary period for program participants.

66. Each program participant shall serve a six-month probationary period upon initial placement in a service site within the medically underserved area. During that period, the medical or dental staff of the service site, as appropriate, shall evaluate the suitability of the placement for the participant. At the end of the probationary period, the medical or dental staff shall recommend the continuation of the program participant's present placement, a

change in placement, or its determination that the participant is an unsuitable candidate for the loan redemption program. If the medical or dental staff of the service site recommends a change in placement, then the executive director shall place the program participant in an alternate placement within a medically underserved area. If the medical or dental staff determines that the program participant is not a suitable candidate for the program, then the executive director shall take this recommendation into consideration in regard to the participant's final acceptance into the program. No loan redemption payment shall be made during the six-month probationary period, however, a program participant shall receive credit for this six-month period in calculating the first year of required service under the loan redemption contract.

260. Section 67 of P.L.1991, c.187 (C.18A:72D-19) is amended to read as follows:

C.18A:72D-19 Matching of participants to underserved areas.

67. The executive director, in consultation with the Commissioner of Health, shall match program participants to medically underserved areas based upon the ranking of the underserved areas established by the commissioner and on the basis of participant preference.

261. Section 68 of P.L.1991, c.187 (C.18A:72D-20) is amended to read as follows:

C.18A:72D-20 Annual determination of program positions available, priority of applicants.

68. The executive director shall annually determine the number of program positions available on the basis of the need for primary care physicians and dentists in medically underserved areas of the State as determined by the Commissioner of Health and the State and federal funds available for the program. Once the number of program positions has been determined, the executive director shall select the program participants from among those students who have applied to the program and who meet the criteria established pursuant to section 62 of P.L.1991, c.187 (C.18A:72D-14). In selecting program participants, the executive director shall accord priority to applicants in the following manner:

a. First, to any applicant who is completing a fourth, third or second year of a loan redemption contract;

b. Second, to any applicant whose residence in the State at the time of entry into post secondary education was within a medically underserved area; and

c. Third, to any applicant according to the severity of the physician or dentist shortage in the area selected by the applicant.

In the event that there are more applicants who have the same priority than there are program positions, the executive director shall select participants by means of a lottery or other form of random selection.

262. Section 69 of P.L.1991, c.187 (C.18A:72D-21) is amended to read as follows:

C.18A:72D-21 Nullification of agreement.

69. A physician or dentist who has previously entered into a contract with the office may nullify the agreement by notifying the office in writing and assuming full responsibility for repayment of principal and interest at the appropriate market rate of the full amount of the eligible student loan expenses or that portion of the loan which has not been redeemed by the State in return for partial fulfillment of the contract. In no event shall service in a medically underserved area for less than the full calendar year of each period of service entitle the participant to any benefits under the loan redemption program. A participant seeking to nullify the contract shall be required to pay the unredeemed portion of indebtedness in not more than 10 years following termination of the contract minus the years of service already served under the contract.

263. Section 70 of P.L.1991, c.187 (C.18A:72D-22) is amended to read as follows:

C.18A:72D-22 Nullification of contract due to death, disability of participant.

70. In case of a program participant's death or total or permanent disability, the executive director shall nullify the service obligation of the student thereby terminating the student's obligation to repay the unpaid balance of the redeemable portion of the loan and the accrued interest thereon, or where continued enforcement of the contract may result in extreme hardship, the executive director may nullify or suspend the service obligation of the student.

264. Section 71 of P.L.1991, c.187 (C.18A:72D-23) is amended to read as follows:

C.18A:72D-23 Termination of participant's service in program.

71. In case of a program participant's conviction of a felony or misdemeanor or an act of gross negligence in the performance of service obligations or where the license to practice has been suspended or revoked, the executive director shall have the authority to terminate the participant's service in the program and request repayment of the outstanding debt.

265. Section 72 of P.L.1991, c.187 (C.18A:72D-24) is amended to read as follows:

C.18A:72D-24 Noneligibility of students participating in similar federal program.

72. A student who is participating in a federal program of a similar nature, which provides financial support for students in return for service in underserved areas of the nation, shall not be eligible for participation in the Primary Care Physician and Dentist Loan Redemption Program unless after review and consideration the executive director finds that the student has extraordinary financial responsibilities making it essential for the student to use the loan resources of both federal and State programs. These cases shall be reviewed and approved by the executive director on an individual basis. In these cases, the period of service to the State of New Jersey may be served simultaneously with the federal service obligation if that obligation is being discharged by service within this State.

266. Section 73 of P.L.1991, c.187 (C.18A:72D-25) is amended to read as follows:

C.18A:72D-25 Provision of information prior to repayment.

73. Prior to repayment of the annual amount eligible for redemption, each program participant shall report to the Office of Student Assistance, in such manner and form as it shall prescribe, information on the participant's performance of service in the medically underserved area as required under the contract.

267. Section 74 of P.L.1991, c.187 (C.18A:72D-26) is amended to read as follows:

C.18A:72D-26 Procedure for recruitment of program applicants.

74. The executive director and the Commissioner of Health shall jointly establish a procedure for the recruitment of program applicants at medical and dental schools and health centers. The procedure shall provide for the participation of the medical and

dental staff, as appropriate, of those facilities in the selection of appropriate applicants for the program.

268. Section 75 of P.L.1991, c.187 (C.18A:72D-27) is amended to read as follows:

C.18A:72D-27 Application for federal funds.

75. The Office of Student Assistance shall annually apply for any federal funds which may be available to implement the provisions of this act.

269. Section 76 of P.L.1991, c.187 (C.18A:72D-28) is amended to read as follows:

C.18A:72D-28 Rules, regulations.

76. The executive director shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) as may be necessary to implement the provisions of sections 60 through 75 of P.L.1991, c.187 (C.18A:72D-12 et seq.).

270. Section 2 of P.L.1980, c.154 (C.18A:72E-2) is amended to read as follows:

C.18A:72E-2 Selection of scholar.

2. Subject to available appropriations, Seton Hall shall select an outstanding scholar to fill the chair on such terms and conditions as may be agreed upon. The person appointed to the Hughes Chair may be granted tenure on appointment.

271. Section 2 of P.L.1984, c.189 (C.18A:72F-2) is amended to read as follows:

C.18A:72F-2 Findings, declarations.

2. The Legislature finds and declares that:

a. Within the State colleges minority faculty members with doctoral degrees in certain academic disciplines, notably the physical and life sciences, engineering, mathematics, management, computer science, environmental sciences, and statistics, are underrepresented in comparison to nonminority faculty members with doctorates.

b. There is in the United States a serious shortage of minority doctoral degree graduates in the academic disciplines cited above from which the State colleges can recruit faculty members.

c. The State colleges in New Jersey currently face difficult problems in recruiting and retaining minority faculty members with doctoral degrees in the academic disciplines cited above.

d. Rutgers, The State University and the State colleges have cooperated in implementing a pilot program, the Minority Advancement Program in Teaching and Research, whereby eligible State college minority faculty members or other minorities admitted to the State university in a doctoral degree program in certain academic disciplines are provided grant, loan and other support opportunities to assist them in completing the academic degree requirements and to increase the pool of potential minority faculty members holding doctoral degrees.

272. Section 3 of P.L.1984, c.189 (C.18A:72F-3) is amended to read as follows:

C.18A:72F-3 Definitions.

3. As used in this act:

a. "Eligible discipline" means an academic discipline in which minority individuals are underrepresented as determined by the Executive Director of Student Assistance Programs in consultation with the Commission on Higher Education and the Board of Directors of the Educational Opportunity Fund.

b. "Faculty member" means any person employed full-time by a New Jersey State college, to perform primarily teaching, research, or administrative duties for 10 or more months per academic year.

c. "Minority" means any person who is a member of a racial-ethnic group that has been historically disadvantaged in obtaining access to equal educational opportunities.

d. "Program" means the Minority Faculty Advancement Loan and Loan Redemption Program created pursuant to this act.

e. "State college" means any institution created pursuant to chapter 64 of Title 18A of the New Jersey Statutes.

273. Section 4 of P.L.1984, c.189 (C.18A:72F-4) is amended to read as follows:

C.18A:72F-4 Minority Faculty Advancement Loan and Loan Redemption Program.

4. There is established within the Office of Student Assistance a Minority Faculty Advancement Loan and Loan Redemption Program for students at Rutgers, The State University, or the New Jersey Institute of Technology, or at a private college or univer-

sity which agrees to participate in the program who are enrolled in an eligible discipline in the Minority Advancement Program in Teaching and Research.

Eligible participants shall include:

a. State college faculty members who have been nominated by their institution and granted up to a four-year leave of absence in order to participate in the program. A nomination by a State college shall include a commitment to reemploy the nominee in the same or in an equivalent position at the college upon completion of the program; and

b. Individuals who otherwise qualify pursuant to procedures set forth by the Executive Director of Student Assistance Programs in consultation with the Commission on Higher Education and the Board of Directors of the Educational Opportunity Fund, but who are not State college faculty members, or who have not been nominated by a college.

274. Section 5 of P.L.1984, c.189 (C.18A:72F-5) is amended to read as follows:

C.18A:72F-5 Application procedure.

5. Eligible program participants seeking loans to finance their education shall first apply for loans under the Guaranteed Student Loan Program. In the event that participants have borrowed the maximum permitted under the terms of this program or are otherwise ineligible, they may apply for direct loans in amounts not exceeding \$10,000.00 per student annually which loans may be renewed for up to a maximum of four academic years for a total loan indebtedness not exceeding \$40,000.00 per student. Direct loans will be evidenced by promissory notes and may be secured pursuant to regulations and forms established by the Executive Director of Student Assistance Programs.

Direct loans shall not bear interest or finance charges during the time a student is enrolled as a full-time student in the program or is engaged in approved redemption service pursuant to this act. Direct loans shall become due and payable pursuant to section 8 of this act six months after graduation if no redemption contract is in effect, or six months after change to part-time student status, withdrawal from the program, or termination from full-time employment either as a faculty member at a State college or other qualified employment.

275. Section 6 of P.L.1984, c.189 (C.18A:72F-6) is amended to read as follows:

C.18A:72F-6 Loan redemption.

6. Direct loans obtained pursuant to section 5 of this act and federally guaranteed student loans together with interest thereon secured after admission to the Minority Advancement Program may be redeemed by program participants upon execution of a contract between the participant and the executive director. The maximum loan redemption for program participants shall amount to cancellation of repayment for one-quarter of the eligible loan indebtedness in return for each full academic year of service as a faculty member in a State college for total cancellation of loan indebtedness for up to, but not to exceed, a maximum of \$40,000.00 per student. In no event shall faculty service for less than the full academic year of each period of service entitle the participant to any benefits under the loan redemption conditions of the program. Prior to the annual redemption of loan indebtedness, participants in the program shall submit proof of faculty service to the executive director.

276. Section 7 of P.L.1984, c.189 (C.18A:72F-7) is amended to read as follows:

C.18A:72F-7 Faculty service requirements.

7. Faculty service requirements for loan redemption purposes shall be satisfied at the State college which nominated the faculty member to participate in the program unless otherwise agreed by the State college president. Program participants not nominated by a State college may satisfy their faculty service requirement at any New Jersey State college; except that any faculty member participating in the program upon nomination by an institution of higher education within New Jersey other than a State college shall satisfy his faculty service requirements for loan redemption purposes at his nominating institution unless otherwise agreed by the nominating institution's president. However, if the executive director determines that no appropriate faculty positions are available in the State colleges, faculty service requirements may be satisfied at other public or private colleges or universities in New Jersey which are licensed by the Commission on Higher Education, or at any other agency of State government.

277. Section 8 of P.L.1984, c.189 (C.18A:72F-8) is amended to read as follows:

C.18A:72F-8 Nullification of contracts.

8. Program participants who have entered into redemption contracts with the executive director may nullify their contracts by submitting written notification to the executive director and assuming full responsibility for repayment of principal and interest on the full amount of their direct loans or that portion of the loans which has not been redeemed by the State in return for partial fulfillment of the contracts. The interest on the loans shall be at the prevailing rate established for the federal Guaranteed Student Loan Program at the time the loans were made. The participant seeking to nullify the contract shall be required to repay the loan or the unredeemed portion thereof in not more than 10 years following the termination of the contract minus the years of service already performed under the contract. Repayments of direct loans by participants who do not perform faculty service for redemption purposes may be used to provide future loans under the program, as determined by the executive director.

278. Section 9 of P.L.1984, c.189 (C.18A:72F-9) is amended to read as follows:

C.18A:72F-9 Nullification of contracts.

9. In case of a program participant's death or total or permanent disability, the executive director shall nullify the service obligation of the student, thereby terminating the student's obligation to repay the unpaid balance of the redeemable portion of the loan and the accrued interest thereon, or where continued enforcement of the contract may result in extreme hardship, the executive director may nullify or suspend the service obligation of the student.

279. Section 10 of P.L.1984, c.189 (C.18A:72F-10) is amended to read as follows:

C.18A:72F-10 Periodic evaluation.

10. The impact of the program on the representation of State college minority faculty members with doctoral degrees in the designated disciplines shall be evaluated periodically by the Commission on Higher Education and the Presidents' Council.

280. Section 11 of P.L.1984, c.189 (C.18A:72F-11) is amended to read as follows;

C.18A:72F-11 Rules, regulations.

11. The executive director and the Commission on Higher Education shall promulgate such rules and regulations in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) as are necessary to carry out the purposes of this act.

281. Section 2 of P.L.1985, c.365 (C.18A:72G-2) is amended to read as follows:

C.18A:72G-2 Selection of scholar.

2. Saint Peter's College shall select an outstanding scholar to fill the chair on such terms and conditions as may be agreed upon, subject to available appropriations. The person appointed to the Durant Chair may be granted tenure on appointment.

282. Section 3 of P.L.1985, c.493 (C.18A:72H-3) is amended to read as follows:

C.18A:72H-3 Definitions.

3. As used in this act:

a. "Auditorily impaired" means a hearing impairment of such severity that the individual depends primarily upon visual communication.

b. "Competent authority" means any doctor of medicine or any doctor of osteopathy licensed to practice medicine and surgery in this State.

c. (Deleted by amendment, P.L.1994, c.48).

d. "Eligible student" means any student "admitted to a public or independent institution of higher education who is" suffering from a visual impairment, auditory impairment or a specific learning disability within guidelines established by the Commission on Higher Education pursuant to regulations promulgated under this act.

e. "Independent institution of higher education" means a college or university incorporated and located in New Jersey, which by virtue of law or character or license is a nonprofit educational institution authorized to grant academic degrees and which provides a level of education which is equivalent to the education provided by the State's public institutions of higher education, as attested by the receipt of and continuation of regional accreditation by the Middle States Association of Colleges and Schools, and which is eligible to receive State aid under the provisions of the

Constitution of the United States and the Constitution of the State of New Jersey, but does not include any educational institution dedicated primarily to the education or training of ministers, priests, rabbis or other professional persons in the field of religion.

f. "Learning disability" means a significant barrier to learning caused by a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. The disorder includes conditions such as perceptual handicap, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. This term shall not include learning problems which are primarily the result of visual, hearing, or motor handicaps, mental retardation, emotional disturbances, or environmental, cultural, or economic disadvantage.

g. "Program" means the Higher Education Services for Visually Impaired, Auditorily Impaired and Learning Disabled Students Program established pursuant to this act.

h. "Public institution of higher education" means Rutgers, The State University, the New Jersey Institute of Technology, the University of Medicine and Dentistry of New Jersey, the State colleges and the county colleges.

i. "Support services" or "supportive services" means services that assist eligible students in obtaining a college education and include, but are not limited to, interpreters, note takers, and tutors.

j. "Visually impaired" means a vision impairment where the better eye with correction does not exceed 20/200 or where there is a field defect in the better eye in which the diameter of the field is no greater than 20 degrees.

283. Section 4 of P.L.1985, c.493 (C.18A:72H-4) is amended to read as follows:

C.18A:72H-4 Higher Education Services for Visually Impaired, Auditorily and Learning Disabled Students Program.

4. There is established a Higher Education Services for Visually Impaired, Auditorily and Learning Disabled Students Program within the Commission on Higher Education. The program shall provide appropriate support services for eligible students attending a public or independent institution of higher education within the State and promote research and development of techniques and approaches to offset handicapping conditions. All appropriate pub-

lic and private groups, organizations and agencies shall be consulted in preparing programs and services for these students.

284. Section 6 of P.L.1985, c.493 (C.18A:72H-6) is amended to read as follows:

C.18A:72H-6 Duties of commission.

6. The Commission on Higher Education shall:

- a. Enter into agreements with any individual, agency or public or independent institution of higher education in this State, under which the individual, agency or institution shall undertake to provide direct support services to eligible students, provided these services do not duplicate or replace any services for which these students are currently eligible.
- b. Enter into contractual agreements with any public or independent institution of higher education to establish and maintain within that institution offices to facilitate the provision and coordination of support services to eligible students.
- c. Authorize the payment to those individuals, agencies and institutions as set forth in subsections a. and b. of this section of funds appropriated or otherwise made available to the department under this act or any other law, or from any other lawful source.
- d. Assess, evaluate and review the extent of the visual or auditory impairments or the learning disabilities which shall qualify students for eligibility for services pursuant to the regulations promulgated under this act.
- e. Develop and coordinate a comprehensive support plan for eligible students specifying the needs of the eligible students.
- f. Provide the supportive services outlined in the support plan, directly or through contractual agreements with individuals, institutions, agencies and others, as appropriate.
- g. Foster awareness of, and sensitivity to, the students' handicapping conditions through seminars, presentations, bulletins and other activities for instructional, administrative and other staff of public and independent higher educational institutions.
- h. Encourage and facilitate the use of a variety of instructional materials and methods by disseminating to professional staff of public and independent institutions of higher education information on techniques, materials and sources relating to curricular specialities.
- i. Annually review and report to the Governor and the State Legislature on the services and activities funded by the department each year under this act.

285. Section 7 of P.L.1985, c.493 (C.18A:72H-7) is amended to read as follows:

C.18A:72H-7 Advisory board.

7. To assist in fulfilling the duties and responsibilities relating to this act, the commission shall appoint an advisory board, which shall be broadly representative of those individuals and organizations having an active interest in, and academic or practical knowledge and experience in, the abilities and needs of visually impaired, auditorily impaired and learning disabled students; the methods and techniques of evaluation of handicapping conditions and curricular support development, including, without limitation, representatives from professional organizations, parent/student organizations, institutional administrations, academic personnel, student personnel services staff, and students. A representative from the Departments of Labor and Human Services shall serve on the advisory board.

286. Section 8 of P.L.1985, c.493 (C.18A:72H-8) is amended to read as follows:

C.18A:72H-8 Rules, regulations.

8. The commission shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to implement the provisions of this act.

287. Section 2 of P.L.1988, c.42 (C.18A:72K-2) is amended to read as follows:

C.18A:72K-2 Selection of scholar.

2. Douglass College shall select a distinguished scholar to fill the chair for a term of up to two years upon such terms and conditions as may be agreed upon subject to available appropriations. The purpose of the chair shall be to fund research, teaching and lectures in Women's Studies by an outstanding scholar at Douglass College.

288. Section 2 of P.L.1991, c.435 (C.18A:72L-2) is amended to read as follows:

C.18A:72L-2 Monmouth College to select professor.

2. Monmouth College shall select the individuals to fill the professorship for such periods of time and upon such terms and conditions as may be agreed upon, subject to available appropriations. The incumbent of the research professorship shall devote

his or her time to teaching, active research, educational policy analysis, program development and public service.

289. Section 1 of P.L.1991, c.485 (C.18A:72M-1) is amended to read as follows:

C.18A:72M-1 Definitions.

1. As used in this act:

"Eligible discipline" means an academic discipline in which minority individuals are underrepresented as determined by the Executive Director of Student Assistance Programs.

"Minority" means any person who is a member of a racial-ethnic group that has been historically disadvantaged in obtaining access to equal educational opportunities.

"Program" means the Minority Undergraduate Fellowship Program established pursuant to this act.

290. Section 2 of P.L.1991, c.485 (C.18A:72M-2) is amended to read as follows:

C.18A:72M-2 Minority Undergraduate Fellowship Program.

2. The Executive Director of Student Assistance Programs shall establish a Minority Undergraduate Fellowship Program within the Office of Student Assistance. The purpose of the program is to identify academically talented minority undergraduate students who may be interested in pursuing an academic career in an eligible discipline at a public or independent institution of higher education within the State, and to provide such students with the institutional and faculty support necessary to assist them in reaching that goal.

291. Section 3 of P.L.1991, c.485 (C.18A:72M-3) is amended to read as follows:

C.18A:72M-3 Procedures to select fellows in the program, advisor duties.

3. The executive director, in consultation with the Commission on Higher Education, shall establish policies and procedures for the nomination and selection as program fellows of academically talented minority undergraduate students who are in their junior year of study at a public or independent college or university within the State. Upon the selection of program fellows, the institution in which each student who is selected is enrolled shall assign to the student a faculty advisor who shall do the following:

- a. Supervise a research project conducted by the fellow during the junior year or actively involve the student in a project which the advisor is conducting;
- b. Supervise the fellow as an undergraduate teaching assistant in the fellow's senior year of study;
- c. Accompany the fellow to the annual meeting of the professional association of the fellow's academic discipline; and
- d. Assist the fellow in the selection of a graduate or professional school.

292. Section 5 of P.L.1991, c.485 (C.18A:72M-5) is amended to read as follows:

C.18A:72M-5 Evaluation of program.

5. The executive director, in consultation with the commission, shall periodically evaluate the impact of the program on the representation of college and university minority faculty members with graduate degrees in eligible disciplines.

293. Section 6 of P.L.1991, c.485 (C.18A:72M-6) is amended to read as follows:

C.18A:72M-6 Rules, regulations.

6. The executive director and the Commission on Higher Education, in consultation with the Board of Directors of the Educational Opportunity Fund, shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to effectuate the purposes of this act.

294. Section 7 of P.L.1991, c.485 (C.18A:72M-7) is amended to read as follows:

C.18A:72M-7 Use of Minority Faculty loan fund.

7. The executive director may utilize funding received under the "Minority Faculty Advancement Loan and Loan Redemption Program Act," P.L.1984, c.189 (C.18A:72F-1 et seq.) in making payments under this act.

295. Section 1 of P.L.1987, c.222 (C.5:9-22.1) is amended to read as follows:

C.5:9-22.1 Eligibility for lottery proceeds.

1. For the purposes of P.L.1970, c.13 (C.5:9-1 et seq.), any program of education approved by the Department of Education

or by institutions of higher education licensed by the Commission on Higher Education which is intended, in whole or in part, to serve citizens of this State of the age of 65 years or over, shall be considered eligible for State aid from the net proceeds of any State lottery, as shall be provided by law.

296. Section 12 of P.L.1991, c.375 (C.5:10-14.3) is amended to read as follows:

C.5:10-14.3 Sports Authority Fund.

12. a. The State Treasurer shall establish a special fund to be known as the "Sports Authority Fund" and shall pay into the fund amounts from the General Fund as shall be necessary to pay the principal and interest on bonds or notes of the authority issued pursuant to this section and to pay any amounts due from the authority under any credit agreement entered into by the authority in connection with the bonds or notes, provided that all payments from the General Fund shall be subject and dependent upon appropriations made from time to time for those purposes.

b. (1) The State Treasurer and the authority are authorized to enter into agreements as shall be necessary to effectuate the purposes of this section, including without limitation, provisions for securing the payment of bonds or notes issued by the authority pursuant to subsection d. of this section and the interest thereon and providing for the investment of moneys in the fund; provided that the agreements shall be subject to approval by the presiding officers of both houses of the Legislature, and provided further that when the purposes of this section have been satisfied, and upon the earlier of:

(a) the certification by the State Treasurer that the revenues of the authority are sufficient to satisfy the requirements of paragraphs (1), (2), (3), (4), (5) and (6) of subsection c. of section 6 of P.L.1971, c.137 (C.5:10-6) for the term of bonds or notes issued pursuant to subsection d. of this section; or

(b) the satisfaction of the requirements for the payment of bonds or notes issued pursuant to P.L.1991, c.375 (C.5:10-3 et al.); the State Treasurer and the authority shall not, except for the refunding of bonds or notes issued pursuant to subsection d. of this section which produces debt service savings, enter into any further agreements regarding payments by the State Treasurer into the "Sports Authority Fund" for any reason, including but not limited to, the financing or restructuring of the debt of the authority.

(2) The agreements shall indicate the nature and scope of the projects to be financed pursuant to this section.

(3) The agreements shall provide that with respect to the Atlantic City convention center project, the authority shall review all existing expert studies that present options as to the scope and nature of the project and the linkages between the project and the economic development of Atlantic City. Based upon its analysis of the available studies and such other expert studies as the authority may authorize, the authority shall report to the Legislature and include in the minutes of the authority its proposal for the development of the convention center. The report shall include an explanation for the selection of the project option proposed by the authority.

c. Notwithstanding anything to the contrary in this act, if and to the extent provided in any agreement between the State Treasurer and the authority, all or part of the revenues of the authority, other than luxury tax revenues or revenues of the convention center project, in excess of the requirements of the resolutions authorizing or relating to the issuance of any of the authority's bonds or notes, except those issued pursuant to this section, shall be paid into the General Fund in repayment to the State for amounts previously paid by the State pursuant to this section with respect to the payment of principal and interest on bonds or notes issued for any of the purposes set forth in this section, except the purposes set forth in paragraphs (3), (4) and (5) of subsection d. of this section, and any payments on account of any credit agreements with respect to the bonds or notes. Except as otherwise provided in this section, bonds or notes of the authority issued pursuant to this section shall be authorized, sold and issued in the manner and be entitled to the benefits, protection and provisions as apply to bonds and notes of the authority authorized to be issued pursuant to P.L.1971, c.137 (C.5:10-1 et seq.).

d. In addition to its other powers to issue bonds and notes, the authority shall have power to issue from time to time bonds and notes payable from amounts in the Sports Authority Fund established pursuant to subsection a. of this section, as follows:

(1) To provide sufficient funds to refund from time to time outstanding bonds or notes of the authority issued for the meadowlands complex or the Monmouth racetrack project authorized pursuant to paragraph (5) of subsection a. of section 6 of P.L.1971, c.137 (C.5:10-6), whether or not the bonds or notes or

interest thereon have become due, to provide for the establishment of funds or reserves to secure payment of the bonds or notes or any other bonds or notes issued or to be issued for those purposes or interest thereon, and to provide for the payment of all other costs or expenses of the authority incident to or necessary to carry out the refunding; provided that the refunding bonds issued at any time pursuant to this paragraph shall not exceed that amount estimated to be necessary so that subsequent to the refunding, the revenues from the meadowlands complex or the Monmouth racetrack project, as the case may be, shall be sufficient to pay all costs payable from those revenues, as shall be estimated in a determination by the authority made in accordance with the agreement between the authority and the State Treasurer;

(2) To finance or refinance a capital program for the meadowlands complex and the Monmouth racetrack project authorized pursuant to paragraph (5) of subsection a. of section 6 of P.L.1971, c.137 (C.5:10-6), adopted by the authority to provide for major repairs, reconstruction and improvements which are legally mandated or otherwise needed to meet environmental or safety requirements, to prevent a loss of revenues, to augment revenues or to continue or enhance the operations of any of the facilities thereof, provided that the aggregate cost of the projects financed pursuant to this paragraph shall not exceed \$30,000,000, exclusive of interest paid during construction;

(3) To provide for the financing or refinancing of the facilities for Rutgers, The State University pursuant to paragraph (8) of subsection a. of section 6 of P.L.1971, c.137 (C.5:10-6);

(4) To provide for the financing or refinancing of the convention center project;

(5) To finance or refinance feasibility studies for public projects consistent with the purposes of the authority;

(6) To provide for the financing or refinancing of any other project of the authority, but only if and to the extent expressly authorized by law enacted subsequent to the enactment of this act; and

(7) To provide for the financing of the facilities at institutions of higher education pursuant to paragraph (11) of subsection a. of section 6 of P.L.1971, c.137 (C.5:10-6), based upon a list of projects recommended by the Commission on Higher Education following a competitive application process, provided that the aggregate financing of the projects undertaken pursuant to this paragraph shall not exceed \$5,000,000.

e. Bonds and notes authorized pursuant to this section shall be special obligations of the authority payable as herein provided. Bonds and notes shall not be deemed to constitute a debt or liability of the State or a pledge of the faith and credit of the State but are dependent for repayment upon appropriations as provided by law from time to time. These bonds and notes and the interest thereon may also be payable from the proceeds thereof set aside for that purpose and income accruing therefrom.

297. Section 19 of P.L.1971, c.199 (C.40A:12-19) is amended to read as follows:

C.40A:12-19 Conveyance of lands for educational purposes.

19. When the governing body of a county or municipality shall determine by resolution that all or any part of a tract of land improved or unimproved is no longer needed for public purposes, the governing body may authorize the conveyance of such lands or any portion thereof to the State when so requested or approved by resolution of the State Board of Education or any board of trustees or board of governors, as appropriate, of a public institution of higher education or to any board of education in the county or municipality or to a regional board of education of a regional school district or to a consolidated board of education of a consolidated school district or the board of education of any county vocational school, requesting or approving such conveyance by resolution, for a nominal consideration, to be used by the State for educational purposes, connected with the district board of education or the regional board of education or the consolidated board of education or the board of education of any county vocational school, and may cause the same to be duly conveyed by its proper officers accordingly. A prior dedication or use for park purposes of such land or any part thereof shall not be deemed to preclude a transfer and conveyance thereof under the provisions of this section.

298. Section 2 of P.L.1961, c.49 (C.52:14-17.26) is amended to read as follows:

C.52:14-17.26 Definitions.

2. As used in this act

(a) The term "State" means the State of New Jersey.

(b) The term "commission" means the State Health Benefits Commission, created by section 3 of this act.

(c) The term "employee" means an appointive or elective officer or full-time employee of the State of New Jersey. For the purposes of this act an employee of Rutgers, The State University of New Jersey, shall be deemed to be an employee of the State, and an employee of the New Jersey Institute of Technology shall be considered to be an employee of the State during such time as the Trustees of the Institute are party to a contractual agreement with the State Treasurer for the provision of educational services. For the purposes of this act the term "employee" shall not include persons employed on a short-term, seasonal, intermittent or emergency basis, persons compensated on a fee basis, persons having less than two months of continuous service or persons whose compensation from the State is limited to reimbursement of necessary expenses actually incurred in the discharge of their official duties. An employee paid on a 10-month basis, pursuant to an annual contract, will be deemed to have satisfied the two-month waiting period if he begins employment at the beginning of the contract year. The term "employee" shall also not include persons, active or retired, who are otherwise eligible for benefits under this act but who, although they meet the age eligibility requirement of the federal Medicare program, are not covered by the complete federal program. A determination by the commission that a person is an eligible employee within the meaning of this act shall be final and shall be binding on all parties.

(d) The term "dependents" means an employee's spouse and the employee's unmarried children under the age of 23 years who live with the employee in a regular parent-child relationship. "Children" shall include stepchildren, legally adopted children and foster children provided they are reported for coverage and are wholly dependent upon the employee for support and maintenance. A spouse or child enlisting or inducted into military service shall not be considered a dependent during such military service. The term "dependents" shall not include spouses of persons, active or retired, who are otherwise eligible for the benefits under this act but who, although they meet the age eligibility requirement of the federal Medicare program, are not covered by the complete federal program.

(e) The term "carrier" means a voluntary association, corporation or other organization which is lawfully engaged in providing or paying for or reimbursing the cost of, personal health services, including hospitalization, medical and surgical services, under insurance policies or contracts, membership or subscription con-

tracts, or the like, in consideration of premiums or other periodic charges payable to the carrier.

(f) The term "hospital" means (1) an institution operated pursuant to law which is primarily engaged in providing on its own premises, for compensation from its patients, medical diagnostic and major surgical facilities for the care and treatment of sick and injured persons on an inpatient basis, and which provides such facilities under the supervision of a staff of physicians and with 24 hour a day nursing service by registered graduate nurses, or (2) an institution not meeting all of the requirements of (1) but which is accredited as a hospital by the Joint Commission on Accreditation of Hospitals. In no event shall the term "hospital" include a convalescent nursing home or any institution or part thereof which is used principally as a convalescent facility, residential center for the treatment and education of children with mental disorders, rest facility, nursing facility or facility for the aged or for the care of drug addicts or alcoholics.

299. Section 9 of P.L.1986, c.42 (C.18A:64-18.2) is amended to read as follows:

C.18A:64-18.2 Investment procedure.

9. All functions, powers and duties relating to the investment or reinvestment of funds within the jurisdiction of the board of trustees, including the purchase, sale or exchange of any investments or securities, may be exercised and performed by the Director of the Division of Investment in the Department of the Treasury in accordance with the provisions of P.L.1950, c.270 (C.52:18A-79 et seq.) if so authorized by the board. Sections 10 and 11 of P.L.1986, c.42 (C.18A:64-18.3 and 18A:64-18.4) shall only be applicable in the event of such an election. Before any investment, reinvestment, purchase, sale or exchange shall be made by the director for or on behalf of the board of trustees, the Director of the Division of Investment shall submit the details thereof to the board, which shall, itself or by its finance committee, within 48 hours, exclusive of Sundays and public holidays, after the submission to it, file with the director its written acceptance or rejection of the proposed investment, reinvestment, purchase, sale or exchange; and the director shall have authority to make the investment, reinvestment, purchase, sale or exchange for or on behalf of the board, unless there shall have been filed with him a written rejection thereof by the board or its finance committee as herein provided. The board

of trustees shall determine from time to time the cash requirements of the various funds and accounts established by it and the amount available for investment, all of which shall be certified to the State Treasurer and the Director of the Division of Investment. All earnings on investments shall be retained by each State college.

The finance committee of the board of trustees shall consist of three members of the board, who shall be appointed in the same manner and for the same term as other committees of the board are appointed.

300. Section 8 of P.L.1970, c.102 (C.18A:64G-8) is amended to read as follows:

C.18A:64G-8 Investment of funds; finance committee of board.

8. All functions, powers and duties relating to the investment or reinvestment of funds other than those funds specified in paragraph (5) of subsection (n) of section 6 of P.L.1970, c.102 (C.18A:64G-6) within the jurisdiction of the board of trustees including the purchase, sale or exchange of any investments or securities may be exercised and performed by the Director of the Division of Investment in accordance with the provisions of chapter 270 of the laws of 1950 (C.52:18A-79 et seq.) if so authorized by the board. Sections 9 and 10 of P.L.1970, c.102 (C.18A:64G-9 and 18A:64G-10) shall only be applicable in the event of such an election. Before any such investment, reinvestment, purchase, sale or exchange shall be made by the director for or on behalf of the board of trustees, the Director of the Division of Investment shall submit the details thereof to the board, which shall, itself or by its finance committee, within 48 hours, exclusive of Sundays and public holidays, after such submission to it, file with the director its written acceptance or rejection of such proposed investment, reinvestment, purchase, sale or exchange; and the director shall have authority to make such investment, reinvestment, purchase, sale or exchange for or on behalf of the board, unless there shall have been filed with him a written rejection thereof by the board or its finance committee as herein provided. The board of trustees shall determine from time to time the cash requirements of the various funds and accounts established by it and the amount available for investment, all of which shall be certified to the State Treasurer and the Director of the Division of Investment.

The finance committee of the board of trustees shall consist of three members of the board who shall be appointed in the same manner and for the same term as other committees of the board are appointed.

C.18A:3B-34 Powers of Chairman of Commission on Higher Education.

301. a. The Chairman of the Commission on Higher Education at the request of the Governor shall have authority to visit public institutions of higher education to examine their manner of conducting their affairs and to enforce an observance of the laws of the State.

b. The chairman, at the request of the Governor may administer oaths and examine witnesses under oath in any part of the State with regard to any matter pertaining to higher education, and may cause the examination to be reduced to writing. Any person willfully giving false testimony upon being sworn or affirmed to tell the truth shall be guilty of a misdemeanor.

c. The chairman, at the request of the Governor may issue subpoenas pursuant to this section compelling the attendance of witnesses and the production of books and papers in any part of the State. Any person who shall neglect or refuse to obey the command of the subpoena or who, after appearing, shall refuse to be sworn and testify, unless such refusal is on grounds recognized by law, shall in either event be subject to a penalty of \$1,000.00 for each offense to be recovered in a civil action. Such penalty when recovered shall be paid into the State Treasury.

302. The employees of the Department of Higher Education shall remain on the State payroll until July 8, 1994 and shall perform those tasks which are necessary to effectuate the transfer of the Department of Higher Education and its function to the entities set forth in this act; however, these employees shall exercise no control, supervision or regulatory authority over any institution of higher education subsequent to July 1, 1994.

303. Notwithstanding any other law to the contrary, upon the termination of the office and term of the Chancellor of Higher Education on the effective date of this act, the Chancellor of Higher Education shall cease to serve as a member of any board, commission or body to which the Chancellor of Higher Education is appointed to serve by law.

304. Notwithstanding any law to the contrary, career service employees of the Department of Higher Education shall be entitled to exercise demotional or lateral rights upon a layoff to appropriate positions in other departments of State government to the extent that those positions are former positions within the

Department of Higher Education which were transferred to another department of State government pursuant to this act.

C.18A:3B-35 Annual report by institution of higher education.

305. Each public institution of higher education shall prepare and make available to the public an annual report on the condition of the institution which shall include, but need not be limited to a profile of the student body including graduation rates, SAT or other test scores, the percentage of New Jersey residents in the student body, the number of scholarship students and the number of Educational Opportunity Fund students in attendance; a profile of the faculty including the ratio of full to part-time faculty members, and major research and public service activities; a profile of the trustees or governors as applicable; and, a profile of the institution, including degree and certificate programs, status of accreditation, major capital projects and any other information which the commission and the institution deem appropriate. The form and general content of the report shall be established by the Commission on Higher Education.

C.18A:3B-36 Specific enabling legislation required for reorganization transfer.

306. For the purposes of any reorganization or transfer after the effective date of this act, any commission, council, board or other body created pursuant to this act, and any public entity transferred or otherwise reorganized herein shall not be subject to the provisions of the "Executive Reorganization Act of 1969," P.L.1969, c.203 (C.52:14C-1 et seq.), but shall require specific enabling legislation.

Repealer.

307. The following acts and parts of acts are hereby repealed:

N.J.S.18A:3-1 through N.J.S.18A:3-23 inclusive

Section 6 of P.L.1986, c.87 (C.18A:3-15.6)

N.J.S.18A:5-1 through N.J.S.18A:5-4 inclusive

N.J.S.18A:60-4

Section 2 of P.L.1986, c.194 (C.18A:61C-2)

P.L.1985, c.193 (C.18A:62-8 through 18A:62-13 inclusive)

P.L.1977, c.420 (C.18A:63B-1 through 18A:63B-6 inclusive)

Section 2 of P.L.1986, c.139 (C.18A:64-3.2)

N.J.S.18A:64-15 and 18A:64-16

Sections 21 and 29 of P.L.1986, c.43 (C.18A:64-72 and 18A:64-80)

N.J.S.18A:64A-7

Sections 12, 21 and 29 of P.L.1982, c.189 (C.18A:64A-25.12, 18A:64A-25.21 and 18A:64A-25.29)

N.J.S.18A:64B-1 through 18A:64B-13 inclusive

N.J.S.18A:64C-4

N.J.S.18A:64D-1

N.J.S.18A:64F-4

Section 23 of P.L.1981, c.325 (C.18A:64G-3.7)

P.L.1975, c.345 (C.18A:64G-32 through 18A:64G-34)

N.J.S.18A:65-7

P.L.1987, c.88 (C.18A:66-193 through 18A:66-205 inclusive)

Section 13 of P.L.1968, c.142 (C.18A:71-40)

P.L.1986, c.180 (C.18A:71-79 through 18A:71-86 inclusive).

308. This act shall take effect on July 1, 1994.

Approved June 23, 1994.

CHAPTER 49

AN ACT concerning public immunity from liability in certain instances and amending various sections of the New Jersey Statutes.

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

1. N.J.S.59:3-1 is amended to read as follows:

Liability generally.

59:3-1. Generally. a. Except as otherwise provided by this act, a public employee is liable for injury caused by his act or omission to the same extent as a private person.

b. The liability of a public employee established by this act is subject to any immunity of a public employee provided by law and is subject to any defenses that would be available to the public employee if he were a private person.

c. A public employee is not liable for an injury where a public entity is immune from liability for that injury.

2. N.J.S.59:8-3 is amended to read as follows:

Claims for damages against public entities.

59:8-3. Claims for damages against public entities. No action shall be brought against a public entity or public employee under this act unless the claim upon which it is based shall have been presented in accordance with the procedure set forth in this chapter.

3. N.J.S.59:8-6 is amended to read as follows:

Claim forms; additional evidence and information; examinations.

59:8-6. Claim forms; additional evidence and information; examinations. A public entity may by rule or regulation adopt forms specifying information to be contained in claims filed against it or its employee under this act. Such forms shall include the requirements of 59:8-4 of this act and may include such additional information or evidence as (1) written reports of a claimant's attending physicians or dentists setting forth the nature and extent of injury and treatment, any degree of temporary or permanent disability, the prognosis, period of hospitalization, and any diminished earning capacity; (2) a list of claimant's expert witnesses and any of their reports or statements relating to the claim; (3) itemized bills for medical, dental, and hospital expenses incurred, or itemized receipts of payment for such expenses; (4) documentary evidence showing amounts of income lost; (5) if future treatment is necessary, a statement of anticipated expenses for each treatment.

In addition, the claimant may be required to submit to a physical or mental examination by a physician employed by the public entity and a claimant may be required to permit a public entity to inspect all appropriate records relating to his claim for liability and damages including, but not limited to, income tax returns, hospital records, medical records and employment records.

The Attorney General is hereby authorized to issue rules and regulations on behalf of the State for the purpose of eliciting the types of information referred to in this section and for specifying any additional information which may be reasonably necessary for the administrative disposition of claims under this act.

4. N.J.S.59:8-8 is amended to read as follows:

Time for presentation of claims.

59:8-8. Time for presentation of claims. A claim relating to a cause of action for death or for injury or damage to person or to property shall be presented as provided in this chapter not later

than the ninetieth day after accrual of the cause of action. After the expiration of six months from the date notice of claim is received, the claimant may file suit in an appropriate court of law. The claimant shall be forever barred from recovering against a public entity or public employee if:

- a. He failed to file his claim with the public entity within 90 days of accrual of his claim except as otherwise provided in section 59:8-9; or
- b. Two years have elapsed since the accrual of the claim; or
- c. The claimant or his authorized representative entered into a settlement agreement with respect to the claim.

Nothing in this section shall prohibit an infant or incompetent person from commencing an action under this act within the time limitations contained herein, after his coming to or being of full age or sane mind.

5. N.J.S.59:8-9 is amended to read as follows:

Notice of late claim.

59:8-9. Notice of late claim. A claimant who fails to file notice of his claim within 90 days as provided in section 59:8-8 of this act, may, in the discretion of a judge of the Superior Court, be permitted to file such notice at any time within one year after the accrual of his claim provided that the public entity or the public employee has not been substantially prejudiced thereby. Application to the court for permission to file a late notice of claim shall be made upon motion supported by affidavits based upon personal knowledge of the affiant showing sufficient reasons constituting extraordinary circumstances for his failure to file notice of claim within the period of time prescribed by section 59:8-8 of this act or to file a motion seeking leave to file a late notice of claim within a reasonable time thereafter; provided that in no event may any suit against a public entity or a public employee arising under this act be filed later than two years from the time of the accrual of the claim.

6. N.J.S.59:8-10 is amended to read as follows:

Presentation of claim.

59:8-10. Presentation of claim. a. A claim shall be presented to the public entity by delivering it to or mailing it certified mail to the office of the Attorney General or the office of the State agency allegedly involved in the action. A claim may be pre-

sented to a local public entity by delivering it or mailing it certified mail to the entity.

b. A claim or application shall be deemed to have been presented in compliance with this section even though it is not delivered or mailed as provided in this section if it is actually received at an office of the State or local public entity within the time prescribed for presentation thereof.

c. Service of the notice required by this chapter upon the public entity shall constitute constructive service upon any employee of that entity.

7. This act shall take effect immediately.

Approved June 23, 1994.

CHAPTER 50

AN ACT concerning the qualifications of certain insurance exchanges as surplus lines insurers and amending P.L.1960, c.32.

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

1. Section 11 of P.L.1960, c.32 (C.17:22-6.45) is amended to read as follows:

C.17:22-6.45 Eligibility as surplus lines insurer.

11. No surplus lines agent shall place any coverage with any unauthorized insurer which is not then an eligible surplus lines insurer as provided for under this section. No unauthorized insurer shall be or become an eligible surplus lines insurer unless made eligible by the commissioner in accordance with the following conditions:

(a) Eligibility of the insurer must be requested in writing by a licensed surplus lines agent;

(b) The insurer must be currently an authorized insurer in the state or country of its domicile as to the kind or kinds of insurance proposed to be so placed, and must have been such an insurer for not less than one full year preceding; or must be the

subsidiary of an admitted insurer or of an already eligible surplus lines insurer that has been so admitted or eligible for a period of not less than one full year preceding;

(c) Before granting eligibility the requesting surplus lines agent or the insurer shall furnish the commissioner with duly authenticated copies of its current annual financial statement, one in the language and monetary values of the country of the insurer, and the other in the English language and with all monetary values therein expressed in United States dollars, at the current exchange rate shown in the statement, and with such additional information relative to the insurer as the commissioner may require;

(d) The insurer shall establish satisfactory evidence of financial integrity, and:

(1) Have capital and surplus, or its equivalent under the laws of its domiciliary jurisdiction, which is not less than twice the amount of minimum capital and surplus required for like admitted insurers. In addition, an alien insurer shall maintain in the United States an irrevocable trust fund in a state or federally chartered bank in an amount not less than \$1,500,000.00 for the protection of all of its policyholders in the United States. The trust fund shall consist of cash, securities, letters of credit, or of investments of substantially the same character and quality as those which are eligible investments for the capital and statutory reserves of admitted insurers authorized to write like kinds of insurance in this State. The trust fund shall not be included in any calculation of capital and surplus or its equivalent and shall have an expiration date which at no time shall be less than five years. In lieu of the above capital and surplus requirements, and trust fund amount, any Lloyd's or other similar group of alien insurers, which group includes unincorporated individual insurers shall maintain a trust fund of not less than \$50,000,000.00 as security to the full amount thereof for all policyholders and creditors in the United States of each member of the group, and the trust shall likewise comply with the terms and conditions hereinabove set forth. Any insurance exchange created by the laws of an individual state may be approved by the commissioner as an eligible insurer under the provisions of this section, and shall maintain capital and surplus, or the substantial equivalent thereof, of not less than \$35,000,000.00 in the aggregate. For insurance exchanges which maintain funds in an amount acceptable to the commissioner for the protection of all insurance exchange policyholders, each individual syndicate, except those syndicates which

have elected and qualify for S corporation status pursuant to subsection (a) of section 1362 of the federal Internal Revenue Code of 1986, 26 U.S.C. §1362, shall maintain minimum capital and surplus, or the substantial equivalent thereof, of not less than \$2,000,000.00. Any syndicate which has elected and qualified for S corporation status pursuant to subsection (a) of section 1362 of the federal Internal Revenue Code of 1986, 26 U.S.C. §1362, need not maintain the minimum capital and surplus required under the provisions of this section and the failure of any such syndicate to meet these minimum requirements shall not render the exchange ineligible for approval under this section; except that so long as such syndicate fails to maintain the minimum capital and surplus required under the provisions of this section, such syndicate shall not transact the business of insurance in this State and shall not be approved by the commissioner as an eligible insurer under the provisions of this section. In the event the insurance exchange does not maintain funds in an amount acceptable to the commissioner for the protection of all insurance exchange policyholders, each individual syndicate shall have capital and surplus, or its equivalent under the laws of its domiciliary jurisdiction, which is not less than twice the amount of minimum capital and surplus required for like admitted insurers. No insurance exchange approved as an eligible insurer by the commissioner shall be a member of the New Jersey Surplus Lines Insurance Guaranty Fund created pursuant to P.L.1984, c.101 (C.17:22-6.70 et al.) nor shall any claim against an exchange be deemed to be a covered claim pursuant to the provision of that act; and

(2) Have caused to be provided to the commissioner a copy of its current annual statement certified by the insurer, which, relative to the period reported upon, is no more than 18 months old, and which is either: (A) filed with and approved by the regulatory authority in the domicile of the unauthorized insurer; or (B) certified by an accounting or auditing firm licensed in the jurisdiction of the insurer's domicile. In the case of an insurance exchange, the statement may be an aggregate combined statement of all underwriting syndicates operating during the period reported upon;

(e) The condition or methods of operation of the insurer must not be such as would render its operation hazardous to the public or its policyholders in this State;

(f) The insurer must be of good reputation as to the providing of service to its policyholders and the payment of losses and claims;

(g) No insurer shall be eligible the management of which is found by the commissioner to be incompetent or untrustworthy,

or so lacking in insurance company managerial experience as to make the proposed operation hazardous to the insurance-buying public; or which the commissioner has good reason to believe is affiliated directly or indirectly through ownership, control, reinsurance transactions or other insurance or business relations, with any person or persons whose business operations are or have been detrimental to policyholders, stockholders, investors, creditors or to the public;

(h) No insurer shall be eligible the voting control or ownership of which is held in whole or substantial part by any government or governmental agency, or which is operated for or by any such government or agency. Membership in a mutual insurer, or subscribership in a reciprocal insurer, or ownership of stock of an insurer by the alien property custodian or similar official of the United States, or supervision of an insurer by public insurance supervisory authority shall not be deemed to be an ownership, control, or operation of the insurer for the purposes of this subsection.

The commissioner shall from time to time publish a list of all currently eligible surplus lines insurers, and shall mail a copy thereof to each licensed surplus lines agent at his office last of record with the commissioner.

This section shall not be deemed to cast upon the commissioner any duty or responsibility to determine the actual financial condition or claims practices of any unauthorized insurer; and the status of eligibility, if granted by the commissioner, shall indicate only that the insurer appears to be sound financially and to have satisfactory claims practices, and that the commissioner has no credible evidence to the contrary.

Where it appears that any particular insurance risk which is eligible for export, but insurance coverage thereon, in whole or in part, is not procurable from the eligible surplus lines insurers, then the surplus lines agent may file a supplemental affidavit stating such facts and advising the commissioner that such part of the risk as shall be unprocurable, as aforesaid, is being placed with named unauthorized insurers, in the amounts and percentages set forth in the affidavit. Such named unauthorized insurer shall, however, before accepting any risk in this State, deposit with the commissioner United States government bonds in an amount acceptable to the commissioner, which shall be held by said commissioner for the benefit of New Jersey policyholders only and the surplus lines agent shall procure from such unauthorized insurer and file with the commissioner a certified copy of its current annual statement of financial condition. If such deposit is

made and the statement reveals, including both capital and surplus, net assets of at least \$500,000.00 consisting of at least \$300,000.00 liquid assets, then the surplus lines agent may proceed to consummate the contract of insurance. Whenever any insurance risk or any part thereof is placed with an unauthorized insurer, as provided herein, the policy, binder or cover note shall bear conspicuously on its face in boldface type the following notation: "All or some of the insurers participating in this risk have not been admitted to transact business in the State of New Jersey, nor have they been approved as a surplus lines insurer by the insurance commissioner of this State. The placing of such insurance by a duly licensed surplus lines agent in this State shall not be construed as approval of such insurer by the insurance commissioner of the State of New Jersey." All other provisions of this Title shall apply to such placement the same as if such risks were placed with an eligible surplus lines insurer.

2. This act shall take effect immediately.

Approved June 23, 1994.

CHAPTER 51

AN ACT appropriating \$20,204,000 from the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P.L.1992, c.88, and reappropriating \$300,000 from the "New Jersey Green Acres Bond Act of 1978," P.L.1978, c.118, to provide loans or grants, or both, to assist local government units to acquire and develop lands for recreation and conservation purposes.

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

1. a. There is appropriated to the Department of Environmental Protection from the "1992 New Jersey Green Trust Fund" established pursuant to section 22 of the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992,"

P.L.1992, c.88, the sum of \$20,204,000, and there is reappropriated to the department from the "State Land Acquisition and Development Fund" established pursuant to section 15 of the "New Jersey Green Acres Bond Act of 1978," P.L.1978, c.118, the sum of \$300,000, to provide loans or grants, or both, to assist local government units to acquire and develop lands for recreation and conservation purposes, which sums shall include administrative costs. The following projects are eligible for funding with the moneys appropriated or reappropriated pursuant to this section:

<u>Local Government Unit</u>	<u>County</u>	<u>Project</u>	<u>Approved Amount</u>
Mercer County	Mercer	Waterfront Park Acq.	\$ 600,000
Mercer County	Mercer	Rosedale Park Add. Acq.	\$3,400,000
Mercer County	Mercer	Crosswicks Crk. Grnway. Acq.	\$2,000,000
Trenton City	Mercer	Lipinski Park Dev.	\$ 290,000
Carteret Boro	Middlesex	Arthur Kill Waterfront Dev.	\$1,970,000
Old Bridge Twp.	Middlesex	Veterans Park Phase 2 Dev.	\$ 150,000
Sayreville Boro	Middlesex	Wetlands Acq.	\$ 225,000
Allentown Boro	Monmouth	Conservation Area Acq.	\$ 250,000
Belmar Boro	Monmouth	E Street Park Acq.	\$ 110,000
Howell Twp.	Monmouth	Bergerville Road Dev.	\$ 150,000
Keansburg Boro	Monmouth	Waterfront Park Dev.	\$ 500,000
Little Silver Boro	Monmouth	Sickles Farm Park 2 Dev.	\$ 150,000
Loch Arbour Village	Monmouth	Beach Acquisition	\$ 550,000
Long Branch City	Monmouth	Manahasset Crk. Park Acq.	\$ 209,000
Manalapan Twp.	Monmouth	Dreyer's Farm Park Dev.	\$ 500,000
Manasquan Boro	Monmouth	Fisherman's Cove Acq.	\$1,300,000
Middletown Twp.	Monmouth	McMahon Park 2 Dev.	\$ 400,000
Monmouth County	Monmouth	Fisherman's Cove Acq.	\$2,000,000
Monmouth County	Monmouth	Hartshorne Woods Acq.	\$2,000,000
Monmouth County	Monmouth	Perrineville Cty. Pk. Acq.	\$2,000,000
Wall Twp.	Monmouth	Hurley's Pond Park Acq.	\$ 600,000
Wall Twp.	Monmouth	Municipal Park Acq.	\$1,000,000
West Long Branch Boro	Monmouth	Franklin Lake Park Dev.	\$ 150,000

b. Any transfer of any funds or project sponsor, or change in project site, listed in subsection a. of this section shall require the approval of the Joint Budget Oversight Committee or its successor.

c. To the extent that moneys remain available after the projects listed in subsection a. of this section are offered funding pursuant thereto, the local government unit projects listed in P.L.1984, c.224, P.L.1985, c.479, P.L.1986, c.208, P.L.1988,

c.23, P.L.1989, c.194, P.L.1991, c.13, P.L.1991, c.14, P.L.1991, c.15, P.L.1991, c.16, P.L.1991, c.522, P.L.1993, c.200, P.L.1993, c.201, P.L.1993, c.266, P.L.1993, c.267, section 1 of P.L.1994, c.45, section 1 of P.L.1994, c.37, and section 1 of P.L.1994, c.52, shall be eligible for funding, including administrative costs, in a sequence consistent with the priority system established by the Department of Environmental Protection, and shall require the approval of the Joint Budget Oversight Committee or its successor.

2. Pursuant to the provisions of subsection c. of section 7 of the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P.L.1992, c.88, all loans made to local government units with moneys appropriated from the "1992 New Jersey Green Trust Fund" pursuant to this act shall bear interest of not more than 2% per year and shall be for a term of not more than 20 years. All principal and interest payments repaid by the local government units shall be deposited into the "1992 New Jersey Green Trust Fund" in accordance with the terms of a written loan agreement. The terms of the loan agreement shall be completed and executed on a form approved by the State Treasurer or his designee.

3. The expenditure of the sums appropriated or reappropriated by this act is subject to the provisions and conditions of P.L.1992, c.88 and P.L.1978, c.118, as appropriate.

4. This act shall take effect immediately.

Approved June 23, 1994.

CHAPTER 52

AN ACT appropriating \$10,277,000 from the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P.L.1992, c.88, and reappropriating \$500,000 from the "New Jersey Green Acres Bond Act of 1978," P.L.1978, c.118, and \$500,000 from the "New Jersey Green Acres and Recreation Opportunities Bond Act of 1974," P.L.1974, c.102, to provide loans or grants, or both, to assist local government units to acquire and develop lands for recreation and conservation purposes.

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

1. a. There is appropriated to the Department of Environmental Protection from the "1992 New Jersey Green Trust Fund" established pursuant to section 22 of the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P.L.1992, c.88, the sum of \$10,277,000, and there is reappropriated to the department from the "State Land Acquisition and Development Fund" established pursuant to section 15 of the "New Jersey Green Acres Bond Act of 1978," P.L.1978, c.118, the sum of \$500,000, and from the "State Recreation and Conservation Land Acquisition and Development Fund" established pursuant to section 15 of the "New Jersey Green Acres and Recreation Opportunities Bond Act of 1974," P.L.1974, c.102, the sum of \$500,000, to provide loans or grants, or both, to assist local government units to acquire and develop lands for recreation and conservation purposes, which sums shall include administrative costs. The following projects are eligible for funding with the moneys appropriated or reappropriated pursuant to this section:

<u>Local Government Unit</u>	<u>County</u>	<u>Project</u>	<u>Approved Amount</u>
Roseland Boro	Essex	Roseland Pathway Acq.	\$ 500,000
Hoboken City	Hudson	LL Field & North Park Dev.	\$2,000,000
Hudson County	Hudson	Bayonne/ Wash. Pks. Dev.	\$1,000,000
Hudson County	Hudson	Mercer Park Dev.	\$1,000,000
Jersey City	Hudson	Wayne Street Park Dev.	\$ 284,000
Jersey City	Hudson	Roberto Clemente Park Dev.	\$ 568,000
Kearny Town	Hudson	Harvey Field Dev.	\$ 500,000
North Bergen Twp.	Hudson	88th Street Park Dev.	\$ 360,000
Union City	Hudson	Ellsworth Park Dev.	\$ 400,000
Union City	Hudson	St. Michaels Monsty. Acq.	\$ 850,000
Weehawken Twp.	Hudson	Weehawken Stadium Dev.	\$ 500,000
West New York Town	Hudson	Miller Stadium Dev.	\$ 850,000
Elizabeth City	Union	Arthur Kill Addition Acq.	\$ 400,000
Elizabeth City	Union	Kenah Center Acq.	\$ 140,000
Linden City	Union	St. Marks Park Dev.	\$ 425,000
Rahway City	Union	Flannag/ Williams Flds. Dev.	\$ 500,000
Rahway City	Union	Lower Essex St. Park Acq.	\$1,000,000

b. Any transfer of any funds or project sponsor, or change in project site, listed in subsection a. of this section shall require the approval of the Joint Budget Oversight Committee or its successor.

c. To the extent that moneys remain available after the projects listed in subsection a. of this section are offered funding pursuant thereto, the local government unit projects listed in P.L.1984, c.224, P.L.1985, c.479, P.L.1986, c.208, P.L.1988, c.23, P.L.1989, c.194, P.L.1991, c.13, P.L.1991, c.14, P.L.1991, c.15, P.L.1991, c.16, P.L.1991, c.522, P.L.1993, c.200, P.L.1993, c.201, P.L.1993, c.266, P.L.1993, c.267, section 1 of P.L.1994, c.51, section 1 of P.L.1994, c.45, and section 1 of P.L.1994, c.37, shall be eligible for funding, including administrative costs, in a sequence consistent with the priority system established by the Department of Environmental Protection, and shall require the approval of the Joint Budget Oversight Committee or its successor.

2. Pursuant to the provisions of subsection c. of section 7 of the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P.L.1992, c.88, all loans made to local government units with moneys appropriated from the "1992 New Jersey Green Trust Fund" pursuant to this act shall bear interest of not more than 2% per year and shall be for a term of not more than 20 years. All principal and interest payments repaid by the local government units shall be deposited into the "1992 New Jersey Green Trust Fund" in accordance with the terms of a written loan agreement. The terms of the loan agreement shall be completed and executed on a form approved by the State Treasurer or his designee.

3. The expenditure of the sums appropriated or reappropriated by this act is subject to the provisions and conditions of P.L.1992, c.88, P.L.1978, c.118, and P.L.1974, c.102, as appropriate.

4. This act shall take effect immediately.

Approved June 23, 1994.

CHAPTER 53

AN ACT concerning the statute of limitations in criminal cases in certain circumstances and amending N.J.S.2C:1-6.

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

1. N.J.S.2C:1-6 is amended to read as follows:

Time limitations.

2C:1-6. Time Limitations. a. A prosecution for any offense set forth in N.J.S.2C:11-3 or N.J.S.2C:11-4 may be commenced at any time.

b. Except as otherwise provided in this section, prosecutions for other offenses are subject to the following periods of limitations:

(1) A prosecution for a crime must be commenced within five years after it is committed;

(2) A prosecution for a disorderly persons offense or petty disorderly persons offense must be commenced within one year after it is committed;

(3) A prosecution for any offense set forth in 2C:27-2, 2C:27-4, 2C:27-6, 2C:27-7, 2C:29-4, 2C:30-2, 2C:30-3, or any attempt or conspiracy to commit such an offense, must be commenced within seven years after the commission of the offense;

(4) A prosecution for an offense set forth in N.J.S.2C:14-2 or N.J.S.2C:14-3 or N.J.S.2C:24-4, when the victim at the time of the offense is below the age of 18 years, must be commenced within five years of the victim's attaining the age of 18 or within two years of the discovery of the offense by the victim, whichever is later.

c. An offense is committed either when every element occurs or, if a legislative purpose to prohibit a continuing course of conduct plainly appears, at the time when the course of conduct or the defendant's complicity therein is terminated. Time starts to run on the day after the offense is committed.

d. A prosecution is commenced for a crime when an indictment is found and for a nonindictable offense when a warrant or other process is issued, provided that such warrant or process is executed without unreasonable delay. Nothing contained in this section, however, shall be deemed to prohibit the downgrading of an indictable offense to a nonindictable offense at any time if the indictable offense was filed within the statute of limitations applicable to indictable offenses.

e. The period of limitation does not run during any time when a prosecution against the accused for the same conduct is pending in this State.

f. The limitations in this section shall not apply to any person fleeing from justice.

g. Except as otherwise provided in this code, no civil action shall be brought pursuant to this code more than five years after such action accrues.

2. This act shall take effect immediately.

Approved June 24, 1994.

CHAPTER 54

AN ACT concerning electronic access to court records and supplementing Title 2B of the New Jersey Statutes.

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

C.2B:1-4 Electronic access to court records.

1. Electronic Access to Court Records.

a. The Administrative Office of the Courts is authorized to develop and operate an automated data processing system that allows the public to access court information and to file court documents, pursuant to such directives, rules and regulations as the Supreme Court may adopt.

b. Individuals, organizations or governmental agencies who request automated or electronic access through common carrier telephone company communications to computerized record information maintained by the Administrative Office of the Courts and the Judiciary, or who request the option to file legal court case information using a computer-to-computer link through common carrier telephone company communication, in addition to any other applicable fees, shall pay for the cost of this service according to fee schedules adopted by the Supreme Court.

c. The proceeds collected by the Administrative Office of the Courts pursuant to this act shall be deposited in the "Court Computer Information System Fund" which is hereby established as a separate fund in the General Fund, to be administered by the Administrative Office of the Courts and dedicated to the development, establishment, operation and maintenance of computerized court information systems in the Judiciary.

d. Subject to the approval of the Supreme Court, the Administrative Office of the Courts is authorized to contract with governmental agencies or corporations for their assistance in the development, establishment, operation and maintenance of the automated system created in accordance with this act. Such assistance may include the initial collection of user fees and other proceeds for the system and may be paid for from the fees and proceeds collected under this act. The net fees and proceeds so collected shall be deposited in the "Court Computer Information Systems Fund" created by this act.

2. This act shall take effect immediately.

Approved June 24, 1994.

CHAPTER 55

AN ACT concerning wiretapping and electronic surveillance and amending P.L.1968, c.49 and P.L.1993, c.29.

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

1. Section 28 of P.L.1968, c.409 is amended to read as follows:

28. This act shall take effect January 1, 1969 and remain in effect until July 1, 1999.

2. Section 23 of P.L.1993, c.29 (C.2A:156A-29) is amended to read as follows:

C.2A:156A-29 Requirements for access.

23. Requirements for access.

a. A law enforcement agency, but no other governmental entity, may require the disclosure by a provider of wire or electronic communication service of the contents of an electronic communication without notice to the subscriber or the customer if the law enforcement agency obtains a warrant.

b. Except as provided in subsection c. of this section, a provider of electronic communication service or remote computing service may disclose a record or other information pertaining to a subscriber or customer of the service to any person other than a governmental entity. This subsection shall not apply to the contents covered by subsection a. of this section.

c. A provider of wire or electronic communication service or remote computing service shall disclose a record or other information pertaining to a subscriber or customer of the service, other than contents covered by subsection a. of this section, to a law enforcement agency under the following circumstances:

- (1) the law enforcement agency has obtained a warrant; or
- (2) the law enforcement agency has obtained the consent of the subscriber or customer to the disclosure.

A law enforcement agency receiving records or information pursuant to this subsection is not required to provide notice to the customer or subscriber.

d. Notwithstanding any other provision of law to the contrary, no service provider, its officers, employees, agents or other specified persons shall be liable in any civil action for damages as a result of providing information, facilities or assistance in accordance with the terms of a court order or warrant under this section.

3. This act shall take effect immediately.

Approved June 28, 1994.

CHAPTER 56

AN ACT concerning access to information related to juvenile justice proceedings, amending P.L.1982, c.79, R.S.53:1-15 and P.L.1985, c.69 and supplementing Title 18A of the Revised Statutes.

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

1. Section 1 of P.L.1982, c.79 (C.2A:4A-60) is amended to read as follows:

C.2A:4A-60 Disclosure of juvenile information; penalties for disclosure.**1. Disclosure of juvenile information; penalties for disclosure.**

a. Social, medical, psychological, legal and other records of the court and probation department, and records of law enforcement agencies, pertaining to juveniles charged as a delinquent or found to be part of a juvenile-family crisis, shall be strictly safeguarded from public inspection. Such records shall be made available only to:

- (1) Any court or probation department;
- (2) The Attorney General or county prosecutor;
- (3) The parents or guardian and to the attorney of the juvenile;
- (4) The Division of Youth and Family Services, if providing care or custody of the juvenile;
- (5) Any institution to which the juvenile is currently committed; and
- (6) Any person or agency interested in a case or in the work of the agency keeping the records, by order of the court for good cause shown.

b. Records of law enforcement agencies may be disclosed for law enforcement purposes to any law enforcement agency of this State, another state or the United States, and the identity of a juvenile under warrant for arrest for commission of an act that would constitute a crime if committed by an adult may be disclosed to the public when necessary to execution of the warrant.

c. At the time of charge, adjudication or disposition, information as to the identity of a juvenile charged with an offense, the offense charged, the adjudication and disposition shall, upon request, be disclosed to:

- (1) The victim or a member of the victim's immediate family;
- (2) Any law enforcement agency which investigated the offense, the person or agency which filed the complaint, and any law enforcement agency in the municipality where the juvenile resides; and
- (3) On a confidential basis, the principal of the school where the juvenile is enrolled for use by the principal and such members of the staff and faculty of the school as the principal deems appropriate for maintaining order, safety or discipline in the school or to planning programs relevant to the juvenile's educational and social development, provided that no record of such information shall be maintained except as authorized by regulation of the Department of Education; or
- (4) A party in a subsequent legal proceeding involving the juvenile, upon approval by the court.

d. A law enforcement or prosecuting agency shall, at the time of a charge, adjudication or disposition, advise the principal of the

school where the juvenile is enrolled of the identity of the juvenile charged, the offense charged, the adjudication and the disposition if:

- (1) The offense occurred on school property or a school bus, occurred at a school-sponsored function or was committed against an employee or official of the school; or
- (2) The juvenile was taken into custody as a result of information or evidence provided by school officials; or
- (3) The offense, if committed by an adult, would constitute a crime, and the offense:
 - (a) resulted in death or serious bodily injury or involved an attempt or conspiracy to cause death or serious bodily injury; or
 - (b) involved the unlawful use or possession of a firearm or other weapon; or
 - (c) involved the unlawful manufacture, distribution or possession with intent to distribute a controlled dangerous substance or controlled substance analog; or
 - (d) was committed by a juvenile who acted with a purpose to intimidate an individual or group of individuals because of race, color, religion, sexual orientation or ethnicity; or
 - (e) would be a crime of the first or second degree.

Information provided to the principal pursuant to this subsection shall be treated as confidential but may be made available to such members of the staff and faculty of the school as the principal deems appropriate for maintaining order, safety or discipline in the school or for planning programs relevant to a juvenile's educational and social development, and no record of such information shall be maintained except as authorized by regulation of the Department of Education.

e. Nothing in this section prohibits a law enforcement or prosecuting agency from providing the principal of a school with information identifying one or more juveniles who are under investigation or have been taken into custody for commission of any act that would constitute an offense if committed by an adult when the law enforcement or prosecuting agency determines that the information may be useful to the principal in maintaining order, safety or discipline in the school or in planning programs relevant to the juvenile's educational and social development. Information provided to the principal pursuant to this subsection shall be treated as confidential but may be made available to such members of the staff and faculty of the school as the principal deems appropriate for maintaining order, safety or discipline in the school or for planning programs relevant to the juvenile's

educational and social development. No information provided pursuant to this section shall be maintained.

f. Information as to the identity of a juvenile adjudicated delinquent, the offense, the adjudication and the disposition shall be disclosed to the public where the offense for which the juvenile has been adjudicated delinquent if committed by an adult, would constitute a crime of the first, second or third degree, or aggravated assault, destruction or damage to property to an extent of more than \$500.00, unless upon application at the time of disposition the juvenile demonstrates a substantial likelihood that specific and extraordinary harm would result from such disclosure in the specific case. Where the court finds that disclosure would be harmful to the juvenile, the reasons therefor shall be stated on the record.

g. Nothing in this section shall prohibit the establishment and maintaining of a central registry of the records of law enforcement agencies relating to juveniles for the purpose of exchange between State or local law enforcement agencies of this State, another state, or the United States.

h. Whoever, except as provided by law, knowingly discloses, publishes, receives, or makes use of or knowingly permits the unauthorized use of information concerning a particular juvenile derived from records listed in subsection a. or acquired in the course of court proceedings, probation, or police duties, shall, upon conviction thereof, be guilty of a disorderly persons offense.

i. The court may, upon application by the juvenile or his parent or guardian, the prosecutor or any other interested party, including the victim or complainant or members of the news media, permit public attendance during any court proceeding at a delinquency case, where it determines that a substantial likelihood that specific harm to the juvenile would not result, and the court shall permit a victim, or a family member of a victim to make a statement prior to ordering a disposition in any delinquency proceeding involving an offense that would constitute a crime if committed by an adult. The court shall have the authority to limit and control the attendance in any manner and to the extent it deems appropriate.

j. The Department of Education, in consultation with the Attorney General, shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations concerning the creation, maintenance and disclosure of pupil records including information acquired pursuant to this section.

2. Section 2 of P.L.1982, c.79 (C.2A:4A-61) is amended to read as follows:

C.2A:4A-61 Fingerprint records; photographs of juveniles.

2. Fingerprint records; photographs of juveniles.

a. Fingerprints of a juvenile may be taken only in the following circumstances:

(1) Where latent fingerprints are found during the investigation of an offense and a law enforcement officer has reason to believe that they are those of a juvenile, he may, with the consent of the court or juvenile and his parent or guardian fingerprint the juvenile for the purpose of comparison with the latent fingerprints. Fingerprint records taken pursuant to this paragraph may be retained by the department or agency taking them and shall be destroyed when the purpose for the taking of fingerprints has been fulfilled.

(2) Where a juvenile is detained in or committed to an institution, that institution may fingerprint the juvenile for the purpose of identification. Fingerprint records taken pursuant to this paragraph may be retained by the institution taking them and shall be destroyed when the purpose for taking them has been fulfilled, except that if the juvenile was detained or committed as the result of an adjudication of delinquency, the fingerprint records may be retained by the institution.

(3) Where a juvenile 14 years of age or older is charged with delinquency on the basis of an act which, if committed by an adult, would constitute a crime, fingerprint records taken pursuant to this paragraph may be retained by a law enforcement agency for criminal identification purposes.

b. No juvenile under the age of 14 shall be photographed for criminal identification purposes without the consent of the court or of the juvenile and his parent or guardian.

c. Fingerprints of a juvenile shall be taken if the juvenile is adjudicated delinquent on the basis of an act which, if committed by an adult, would constitute a crime.

d. Fingerprints taken pursuant to subsection c. of this section shall be taken according to the fingerprint system of identification established by the Superintendent of State Police on the forms prescribed and shall be forwarded without delay to the State Bureau of Identification together with such information concerning the juvenile and the adjudication as the superintendent may require. The State Bureau of Identification shall retain records received pursuant to this subsection for the sole purpose of

exchange between State or local law enforcement agencies of this State, and law enforcement agencies of another state or the United States.

3. Section 3 of P.L.1982, c.79 (C.2A:4A-62) is amended to read as follows:

C.2A:4A-62 Sealing of records.

3. Sealing of records.

a. On motion of a person who has been the subject of a complaint filed under this act or on its own motion, the court may vacate its order and findings and order the nondisclosure of social, medical, psychological, legal and other records of the court and probation services, and records of law enforcement agencies if it finds:

(1) Two years have elapsed since the final discharge of the person from legal custody or supervision, or two years have elapsed after the entry of any other court order not involving custody or supervision; and

(2) He has not been convicted of a crime, or a disorderly persons offense or adjudged delinquent, during the two years prior to the filing of the motion, and no proceeding or complaint is pending seeking such conviction or adjudication.

b. In any case wherein a juvenile has been adjudicated delinquent and said juvenile enlists in any branch of the Armed Forces of the United States, he may at any time after the date of such adjudication present a duly verified petition to the court where such adjudication was entered, setting forth all the facts in the matter, including proof of enlistment and acceptance in said armed forces, and praying for the relief provided in this section, and subject to the limitations hereinafter provided in this section, an order may be granted to seal all the records concerning such adjudication including records of the court, probation services and law enforcement agencies. Failure to enter the armed forces shall have the effect of nullifying the sealing order.

c. Reasonable written notice of the motion shall be given to:

(1) The Attorney General and the county prosecutor;

(2) The authority granting the discharge if the final discharge was from an institution, parole, or probation; and

(3) The law enforcement office, department, and central depository having custody of the files and records if such files and records are included in the motion.

d. Upon the entry of the order, the proceedings in the case shall be sealed and all index references shall be marked "not available" or "no record" and law enforcement officers and departments shall reply and the person may reply to any inquiry that there is no record with respect to such person, except that records may be maintained for purposes of prior offender status, identification and law enforcement purposes. Copies of the order shall be sent to each agency or official named therein.

Inspection of the files and records included in the order may thereafter be permitted by the court only upon motion and only to those persons named in the motion; provided, however, the court, in its discretion, may by special order in an individual case permit inspection by or release of information in the records to any clinic, hospital, or agency which has the person under care or treatment or to individuals or agencies engaged in fact-finding or research.

e. Any adjudication of delinquency or conviction of a crime subsequent to sealing shall have the effect of nullifying the sealing order.

f. Expungement of juvenile records shall be governed by the applicable provisions of chapter 52 of Title 2C of the New Jersey Statutes.

4. R.S.53:1-15 is amended to read as follows:

Fingerprinting of suspects.

53:1-15. The sheriffs, chiefs of police, members of the State Police and any other law enforcement agencies and officers shall, immediately upon the arrest of any person for an indictable offense, or of any person believed to be wanted for an indictable offense, or believed to be an habitual criminal, or within a reasonable time after the filing of a complaint by a law enforcement officer charging any person with an indictable offense, or upon the arrest of any person for shoplifting, pursuant to N.J.S.2C:20-11, or the conviction of any other person charged with a nonindictable offense, where the identity of the person charged is in question, take the fingerprints of such person, according to the fingerprint system of identification established by the Superintendent of State Police and on the forms prescribed, and forward without delay two copies or more of the same, together with photographs and such other descriptions as may be required and with a history of the offense committed, to the State Bureau of Identification.

Such sheriffs, chiefs of police, members of the State Police and any other law enforcement agencies and officers shall also take the fingerprints, descriptions and such other information as may be required of unknown dead persons and as required by section 2 of

P.L.1982, c.79 (C.2A:4A-61) of juveniles adjudicated delinquent and shall forward same to the State Bureau of Identification.

Any person charged in a complaint filed by a law enforcement officer with an indictable offense, who has not been arrested, or any person charged in an indictment, who has not been arrested, shall submit himself to the identification procedures provided herein either on the date of any court appearance or upon written request of the appropriate law enforcement agency within a reasonable time after the filing of the complaint. Any person who refuses to submit to such identification procedures shall be a disorderly person.

5. Section 1 of P.L.1985, c.69 (C.53:1-20.5) is amended to read as follows:

C.53:1-20.5 Definitions.

1. As used in this act:

a. "Processing criminal history record background checks" means the process whereby the State Bureau of Identification compares a set of fingerprints or name search request with those in its files for a determination as to the criminal history of the person identified by the request.

b. "Noncriminal matter" means any matter, other than the arrest of a person for an indictable offense or other criminal justice purpose, which requires the submission of a person's fingerprints or name search request to the State Bureau of Identification for processing. These matters include background investigations for licensing or employment, or both.

c. For purposes of this section, the criminal history record of a person does not include records concerning charges or adjudications of juvenile delinquency. Such records shall be disclosed only as provided in section 1 of P.L.1982, c.79 (C.2A:4A-60).

C.18A:37-6 Rules, regulations.

6. The State Board of Education, in consultation and cooperation with the Attorney General, shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) rules and regulations regarding law enforcement activities on school grounds and the reporting of suspected offenses and acts of delinquency to law enforcement.

7. This act shall take effect immediately.

Approved June 29, 1994.

CHAPTER 57

AN ACT concerning the Market Transition Facility and revising various parts of statutory law.

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

C.34:1B-21.1 Short title.

1. This act shall be known and may be cited as the “Good Driver Protection Act of 1994.”

C.34:1B-21.2 Findings, declarations.

2. The Legislature hereby finds and declares:

a. The Market Transition Facility, created pursuant to section 88 of P.L.1990, c.8 (C.17:33B-11) to serve as an interim residual market mechanism and successor to the New Jersey Automobile Full Insurance Underwriting Association created pursuant to P.L.1983, c.65 (C.17:30E-1 et seq.), ceased issuing and renewing private passenger automobile insurance policies on September 30, 1992. It is expected to have an operating deficit which the facility has projected to be approximately \$1.3 billion.

b. The “Fair Automobile Insurance Reform Act of 1990,” P.L.1990, c.8 (C.17:33B-1 et al.), provided that any losses sustained in the operation of the facility be apportioned to the member insurers of the facility. Subsequently, certain of these member insurers filed suit against the Commissioner of Insurance, challenging an order of the commissioner which apportioned these losses among the member insurers. Pending a resolution of the court challenge, the Superior Court has enjoined the use by the facility of the amounts paid by the member insurers in accordance with the commissioner’s order; as a result, those persons with claims against the facility have not been paid.

c. In its present financial condition, it is likely that the facility would be declared financially impaired or insolvent under the provisions of P.L.1975, c.113 (C.17:30C-1 et seq.). Because of the interim nature of the facility, however, initiating proceedings under that law is not in the best interests of the facility’s policyholders and other claimants under the policies written by it. Because of this, and given the cost of pursuing protracted litigation with member insurers over this issue, it is deemed to be in the public interest to find a means of providing the necessary

money to pay the claims now pending against the facility in the most expeditious manner possible.

d. Moreover, to safeguard the interests of the policyholders and the public, it is deemed to be in the public interest for the Commissioner of Insurance to take immediate possession of the property and assets of the facility, in accordance with the provisions of this act, and for the commissioner to evaluate and monitor the performance of those entities charged with paying claims on the facility's behalf and to make such adjustments to any executory contracts of the facility as he believes are in the best interest of the policyholders and the public, including the modification or termination of such contracts or consolidation of servicing operations.

C.34:1B-21.3 Definitions.

3. For the purposes of sections 1 through 15 of this act:

"Commissioner" means the Commissioner of Insurance.

"Division of Motor Vehicles Surcharge Fund" or "DMV Surcharge Fund" means the fund created pursuant to section 12 of this act.

"Market Transition Facility" or "facility" means the Market Transition Facility created pursuant to section 88 of P.L.1990, c.8 (C.17:33B-11).

"Market Transition Facility Revenue Fund" or "Facility Revenue Fund" means the fund created pursuant to section 7 of this act.

"New Jersey Economic Development Authority" or "authority" means the New Jersey Economic Development Authority created pursuant to section 4 of P.L.1974, c.80 (C.34:1B-4).

C.34:1B-21.4 Issuance of Market Transition Facility bonds, notes.

4. The authority shall have the power to issue Market Transition Facility bonds or notes in an amount not to exceed \$750 million, pursuant to the provisions of this act, under the powers given to it by and pursuant to P.L.1974, c.80 (C.34:1B-1 et seq.), for the purpose of providing funds for the payment of the current and anticipated liabilities and expenses of the facility, as such liabilities and expenses are certified by the commissioner. Bonds issued for the purpose of refinancing previously issued bonds or notes shall not be included in the calculation of the dollar amount limitation and bonds issued for the purpose of refinancing previously issued bonds or notes shall be approved by the Joint Budget Oversight Committee prior to the refinancing. The bonds or notes shall be secured wholly or in part by the monies in the Market Transition Facility Revenue Fund. The authority may establish a

debt service reserve fund, which may be augmented or replenished from time to time from funds in the Facility Revenue Fund.

C.34:1B-21.5 Powers of authority.

5. For the purpose of providing funds for payment of current and anticipated liabilities and expenses of the facility, the authority shall have the power to provide for the funding or refunding of any bonds or notes, incur indebtedness, borrow money and issue bonds or notes secured in whole or in part by the monies in the Facility Revenue Fund. The bonds or notes shall be payable solely from the monies in the Facility Revenue Fund. The bonds and notes shall be authorized by resolution, which shall stipulate the manner of execution and form of the bonds, whether the bonds are in one or more series, the date or dates of issue, time or times of maturity, which shall not exceed 30 years, the rate or rates of interest payable on the bonds, the denomination or denominations in which the bonds are issued, conversion or registration privileges, the sources and medium of payment and place or places of payment, and terms of redemption. The bonds may be sold at a public or private sale at a price or prices determined by the authority.

C.34:1B 21.6 Payments from Facility Revenue Fund for redemption of bonds, notes.

6. The authority may, in any resolution authorizing the issuance of the bonds or notes, pledge the Facility Revenue Fund or a portion thereof for payment of the redemption of the bonds or notes, and covenant as to the use and disposition of monies in the Facility Revenue Fund. All costs associated with the issuance of the bonds or notes by the authority for the purposes set forth in this act may be paid by the authority from the Facility Revenue Fund, which costs may include, but shall not be limited to, any costs related to the issuance of the bonds or notes, operating expenses of the authority attributable to the payment of facility current and anticipated liabilities and expenses, and costs of, and any payment due under, any agreement entered into pursuant to the provisions of subsection b. of section 8 of this act. Monies in the Facility Revenue Fund shall not be used for any other project of the authority.

C.34:1B-21.7 "Market Transition Facility Revenue Fund."

7. There is created within the authority a special nonlapsing fund, to be known as the "Market Transition Facility Revenue Fund." The Facility Revenue Fund shall consist of:

a. Such monies as may be transferred to the Facility Revenue Fund by the State Treasurer, upon appropriation by the Legislature, pursuant to section 14 of this act;

b. Such monies as may be appropriated to the Facility Revenue Fund by the Legislature from surcharges levied pursuant to the provisions of subsection b. of section 6 of P.L.1983, c.65 (C.17:29A-35), except that any such monies in excess of the amounts required to be used by the authority pursuant to any bond resolutions authorizing the issuance of Market Transition Facility bonds and notes and the authority's agreement with the State Treasurer authorized by section 13 of this act shall be at least annually remitted to the General Fund;

c. Interest or other income derived from the investment of monies in the Facility Revenue Fund; and

d. Any other monies as may be deposited from time to time, except that such monies shall not be appropriated from the General Fund.

Monies in the Facility Revenue Fund shall be managed and invested by the Division of Investment in the Department of the Treasury.

C.34:1B-21.8 Use of monies in Market Transition Facility Revenue Fund; agreements, exemption from taxation.

8. a. The authority may use the monies in the Market Transition Facility Revenue Fund to pay the principal and interest and premium, if any, on the Market Transition Facility bonds or notes issued by it pursuant to section 4 of this act. The authority may create any other fund or funds by resolution of the authority which it deems necessary to further secure the Market Transition Facility bonds or notes or otherwise effectuate the purposes of this act, including a fund for the deposit of the proceeds from Market Transition Facility bonds or notes provided for in section 4 of this act.

b. The authority may, in connection with its duties and responsibilities under this act or in connection with any duties and responsibilities provided for in P.L.1974, c.80 (C.34:1B-1 et seq.), enter into any revolving credit agreement, agreement establishing a line of credit or letter of credit, reimbursement agreement, interest rate exchange agreement, insurance contract, surety bond, commitment to purchase bonds, purchase or sale agreement, or commitments or other contracts or agreements in connection with the authorization, issuance, sale or payment of bonds.

c. All Market Transition Facility bonds or notes issued by the authority are deemed to be issued by a body corporate and politic of the State for an essential governmental purpose, and the inter-

est thereon and the income derived from all funds, revenues, incomes and other monies received or to be received by the authority and pledged and available to pay or secure the payment on Market Transition Facility bonds or notes or pledged or available to pay or secure payment on such bonds or notes or interest thereon shall be exempt from all taxes levied pursuant to the provisions of Title 54 of the Revised Statutes or Title 54A of the New Jersey Statutes, except for transfer inheritance and estate taxes pursuant to Subtitle 5 of Title 54 of the Revised Statutes.

C.34:1B-21.9 Bonds, notes as special, limited obligations.

9. Market Transition Facility bonds and notes issued by the authority shall be special and limited obligations which are payable only from monies on deposit in the Facility Revenue Fund. Neither the members of the authority nor any other person executing the Market Transition Facility bonds or notes provided for in section 4 of this act shall be liable personally with respect to payment of interest and principal on these bonds or notes or obligations of the facility. Market Transition Facility bonds, notes, or any other obligations issued pursuant to the provisions of this act shall not be a debt or liability of the State or any agency or instrumentality thereof, either legal, moral, or otherwise, and nothing contained in this act shall be construed to authorize the authority to incur any indebtedness on behalf of or in any way to obligate the State or any political subdivision, and all debt instruments issued by the authority shall contain a statement to that effect on their face.

C.34:1B-21.10 State pledge regarding bonds, notes, other obligations.

10. The State hereby pledges and covenants with the holders of any Market Transition Facility bonds, notes or other obligations issued pursuant to the provisions of this act that it will not limit or alter the rights or powers vested in the authority by this act, nor limit or alter the rights or powers of the State Treasurer in any manner which would jeopardize the interest of the holders or any trustee of such holders, or inhibit or prevent performance or fulfillment by the authority or the State Treasurer with respect to the terms of any agreement made with the holders of these bonds, notes, or other obligations. The State also pledges and covenants with the holders of any such bonds, notes, or obligations, that it will not act to prevent the authority from obtaining any of the revenues provided for in this act, which shall be sufficient to meet all costs and expenses in connection with the issuance of

such obligations, until the bonds, notes, or other obligations, together with interest thereon, are fully met and discharged or payment thereof is fully provided for, except that the failure of the State to appropriate monies for any purpose of this act shall not be deemed a violation of this section.

C.34:1B-21.11 Statement from Department of the Treasury, authority.

11. No later than four months following the issuance of any Market Transition Facility bonds or notes, the Department of the Treasury, in conjunction with the authority, shall provide a statement providing:

a. All final costs on an item by item basis associated with the issuance of the Market Transition Facility bonds or notes. This statement shall be distributed to the President of the Senate and the Speaker of the General Assembly. The statement shall list, as applicable, costs for:

- (1) Bond counsel;
- (2) Financial advisors;
- (3) Paying agents and registrars;
- (4) Rating agencies;
- (5) Official statement printing;
- (6) Bond printing;
- (7) Trustees;
- (8) Credit enhancement;
- (9) Liquidity facility; and
- (10) Miscellaneous issuance costs;

b. The final breakdown of the principal amount of bonds allocated to each senior manager, co-senior manager and manager participating in the bond issuance, and each underwriter's spread, broken down into the following components where applicable, and accompanied by a list of underwriter spreads from recent comparable bond issues:

- (1) Management fees;
- (2) Underwriting fees;
- (3) Selling concessions;
- (4) Underwriter's counsel; and
- (5) Other costs.

C.34:1B-21.12 "Division of Motor Vehicles Surcharge Fund."

12. There is created within the Department of the Treasury a special nonlapsing fund to be known as the "Division of Motor Vehicles Surcharge Fund," which, beginning September 1, 1996 or earlier as provided pursuant to this section, shall be comprised

of monies transferred to the DMV Surcharge Fund from the Market Transition Facility which, notwithstanding the provisions of this section to the contrary, may be appropriated, immediately upon receipt from the Market Transition Facility, by the Legislature to the Facility Revenue Fund and all monies collected pursuant to subsection b. of section 6 of P.L.1983, c.65 (C.17:29A-35) and any interest or other income earned thereon. Monies in the DMV Surcharge Fund shall be managed and invested by the Division of Investment in the Department of the Treasury. Commencing September 1, 1996, or at such earlier time as may be certified by the commissioner that monies on deposit in the New Jersey Automobile Insurance Guaranty Fund created pursuant to section 23 of P.L.1990, c.8 (C.17:33B-5) are sufficient to satisfy the current and anticipated financial obligations of the New Jersey Automobile Full Insurance Underwriting Association, the monies in the DMV Surcharge Fund shall be disbursed from time to time by the State Treasurer, upon appropriation by the Legislature, to the Market Transition Facility Revenue Fund, for payment of principal, interest and premium on the Market Transition Facility bonds or notes issued by the authority pursuant to section 4 of this act.

C.34:1B-21.13 Agreements between EDA and State.

13. a. The State Treasurer and the authority may enter into any agreements as may be necessary to effectuate the provisions of this act, which may include, but not be limited to, procedures for the transfer of monies from the DMV Surcharge Fund to the Market Transition Facility Revenue Fund as provided for in section 12 of this act, commencing with the fiscal year beginning July 1, 1994, with respect to the terms and conditions relative to the securing of Market Transition Facility bonds, notes, and other obligations of the authority, the pledge and assignment of any agreement or agreements authorized herein, or any payments to the trustees of these bondholders. Notwithstanding any provision of P.L.1974, c.80 (C.34:1B-1 et seq.), this act or any regulation of the authority to the contrary, the authority shall be paid only such fees as shall be determined by the agreement.

b. The commissioner and the authority shall also enter into an agreement relative to a procedure for the transfer of monies for the purpose of paying the current and anticipated liabilities and expenses of the facility, including private passenger automobile claims and other claims against the facility. The agreement shall

contain a provision that the commissioner shall certify from time to time, but not more frequently than monthly, an amount necessary to fund payments made, or anticipated to be made by or on behalf of the Market Transition Facility. The commissioner's certification shall be deemed conclusive. The authority shall cause the transfer to be made to the designated transferee within 15 days of the receipt of the commissioner's certification.

C.34:1B-21.14 Transfer of monies to Facility Revenue Fund.

14. The State Treasurer shall, as soon as practicable after the effective date of this act, and upon appropriation by the Legislature, transfer to the Market Transition Facility Revenue Fund \$100 million of the monies transferred to the DMV Surcharge Fund by the Market Transition Facility.

C.34:1B-21.15 Semi-annual reports.

15. a. The commissioner shall prepare a semi-annual report for the Governor, the President of the Senate and the Speaker of the General Assembly on the financial condition of the New Jersey Automobile Full Insurance Underwriting Association, the Market Transition Facility and the New Jersey Automobile Insurance Guaranty Fund.

b. The authority shall prepare a semi-annual report for the Governor, the President of the Senate and the Speaker of the General Assembly on the receipts and disbursements of the Market Transition Facility Revenue Fund.

c. The State Treasurer shall prepare a semi-annual report for the Governor, the President of the Senate and the Speaker of the General Assembly on the receipts and disbursements of the DMV Surcharge Fund.

16. Section 23 of P.L.1990, c.8 (C.17:33B-5) is amended to read as follows:

C.17:33B-5 New Jersey Automobile Insurance Guaranty Fund created; monies to be credited to fund; disbursement of monies.

23. a. There is hereby created within the General Treasury a special nonlapsing fund to be known as the New Jersey Automobile Insurance Guaranty Fund. The State Treasurer shall credit to the fund, in addition to any sums appropriated thereto, all monies designated in subsection b. of this section and collected pursuant to this act on and after the effective date of this 1990 amendatory and supplementary act. Monies credited to the New Jersey Automobile Insurance Guaranty Fund may be invested in the same manner as assets of the General Fund and any investment earn-

ings on the fund shall accrue to the fund and shall be available subject to the same terms and conditions as other monies in the fund. The State Treasurer may determine the amount of earnings to be credited to the New Jersey Automobile Insurance Guaranty Fund to reflect the average rate of return on the State of New Jersey Cash Management Fund.

b. Monies from the following sources shall be credited by the State Treasurer to the New Jersey Automobile Insurance Guaranty Fund: the revenues attributable to the surtax imposed under section 76 of this 1990 amendatory and supplementary act (C.17:33B-49); the revenues attributable to the tax imposed on premiums earned by the New Jersey Automobile Full Insurance Underwriting Association pursuant to section 34 of P.L.1983, c.65 (C.17:30E-22); that percentage of surcharges collected by the Division of Motor Vehicles on or after October 1, 1991 unless otherwise provided for, pursuant to subsection b. of section 6 of P.L.1983, c.65 (C.17:29A-35); monies collected by the Division of Motor Vehicles on or after October 1, 1991, pursuant to section 68 of this 1990 amendatory and supplementary act (C.17:33B-63); monies collected by the State Board of Medical Examiners pursuant to section 63 of this 1990 amendatory and supplementary act (C.17:33B-58); monies collected by the State Board of Chiropractic Examiners pursuant to section 64 of this 1990 amendatory and supplementary act (C.17:33B-59); monies collected by the State Board of Physical Therapy pursuant to section 65 of this 1990 amendatory and supplementary act (C.17:33B-60); monies collected by the Division of Motor Vehicles pursuant to section 66 of this 1990 amendatory and supplementary act (C.17:33B-61); monies collected by the State Treasurer pursuant to section 67 of this 1990 amendatory and supplementary act (C.17:33B-62); loans made to the fund as provided in subsection c. of this section; and such other income as may be deposited with or otherwise made available to the New Jersey Automobile Full Insurance Underwriting Association on or after October 1, 1991, including monies deposited in the New Jersey Automobile Full Insurance Underwriting Association and Market Transition Facility Auxiliary Fund pursuant to section 5 of P.L.1983, c.320 (C.17:33A-5).

c. (1) The fund shall borrow such monies as are made available by the New Jersey Property-Liability Insurance Guaranty Association pursuant to paragraph (10) of subsection a. of section 8 of P.L.1974, c.17 (C.17:30A-8).

(2) The fund may, upon the approval of the Commissioner of Insurance and pursuant to terms and conditions established by him, borrow monies from any other available source.

d. The monies in the New Jersey Automobile Insurance Guaranty Fund, including interest earnings thereon, are specifically dedicated and shall be utilized exclusively for the costs of the purposes of satisfying the financial obligations of the New Jersey Automobile Full Insurance Underwriting Association, as provided in P.L.1990 c.8 (C.17:33B-1 et al.); except that: (1) no sooner than January 1, 1996 and upon certification by the commissioner that there are sufficient monies on deposit in the New Jersey Automobile Insurance Guaranty Fund to satisfy the current and anticipated financial obligations of the New Jersey Automobile Full Insurance Underwriting Association, any remaining monies, including interest earned thereon, but excluding the monies described in paragraph (2) of this subsection, may be utilized either to satisfy the current and anticipated liabilities and expenses of the Market Transition Facility as provided pursuant to subsection f. of this section, or, if not needed for that purpose, appropriated to the Market Transition Facility Revenue Fund for payment of principal, interest and premium, or otherwise to pay or retire Market Transition Facility bonds or notes; and (2) beginning on August 1, 1996 the monies made available pursuant to paragraph (1) of subsection c. of this section shall be utilized to satisfy the current and anticipated liabilities and expenses of the Market Transition Facility. Those monies are hereby appropriated for those purposes; provided, however, that those monies shall be disbursed by the State Treasurer as provided in subsection e. or f. of this section.

e. The trustee appointed pursuant to section 21 of this 1990 amendatory and supplementary act shall prepare a written application for any disbursement of monies from the New Jersey Automobile Insurance Guaranty Fund, specifying the amount of the disbursement, the intended expenditures, and the manner in which such expenditures serve the purposes of the trustee's function and this act. The application shall be submitted to the Commissioner of Insurance for approval. Upon approval by the commissioner, the application shall be forwarded to the State Treasurer for approval. Upon approval by the State Treasurer, he shall disburse monies from the New Jersey Automobile Insurance Guaranty Fund to the trustee for disbursement as provided in the approved application.

f. The Market Transition Facility shall prepare a written application for any disbursement of monies made available from the New Jersey Automobile Insurance Guaranty Fund, specifying the amount of the disbursement, the intended expenditures, and the manner in which such expenditures serve the purposes of the Market Transition Facility's function and the provisions of P.L.1994, c.57 (C.34:1B-21.1 et al.). Upon approval by the commissioner, the application shall be forwarded to the State Treasurer for approval. Upon approval by the State Treasurer, he shall disburse monies from the New Jersey Automobile Insurance Guaranty Fund to the Market Transition Facility for disbursement as provided in the approved application.

17. Section 88 of P.L.1990, c.8 (C.17:33B-11) is amended to read as follows:

C.17:33B-11 Market Transition Facility.

88. a. There is created a Market Transition Facility to be operated by the Commissioner of Insurance pursuant to the provisions of this section. Every insurer authorized to transact automobile insurance in this State shall be a member of the facility and shall share in its profits and losses as provided by the commissioner pursuant to the provisions of subsection d. of this section.

b. (Deleted by amendment, P.L.1994, c.57.)

c. The facility shall arrange for the issuance and renewal of automobile insurance policies for the period commencing October 1, 1990 and ending September 30, 1992 pursuant to a plan of operation promulgated by the commissioner. The facility shall not issue or renew any policies of automobile insurance on or after October 1, 1992. The plan shall provide:

(1) The applicable levels of coverage available through the facility;

(2) That the premiums payable on policies issued by the facility shall be based on rates applicable to persons insured by the New Jersey Automobile Full Insurance Underwriting Association on September 30, 1990 but shall not incorporate the rates applicable under section 25 of P.L.1983, c.65 (C.17:30E-13) and section 22 of P.L.1988, c.119 (C.17:30E-13.1). However, the applicable rates for those insureds who do not qualify as eligible persons as provided in section 25 of P.L.1990, c.8 (C.17:33B-13) shall be those set by the plan for the provision of automobile insurance established pursuant to section 1 of P.L.1970, c.215 (C.17:29D-1);

(3) Procedures for the filing and approval of changes in rates applicable to policies issued or renewed by the facility;

(4) For the issuance and renewal of automobile insurance through servicing carriers under contract with the New Jersey Automobile Full Insurance Underwriting Association pursuant to the provisions of section 24 of P.L.1983, c.65 (C.17:30E-12), utilizing, at the discretion of the commissioner, the staff of the association;

(5) Procedures for the depopulation of the facility which shall provide that: on or after April 1, 1991 no more than 29% of the aggregate number of private passenger non-fleet exposures written in this State shall be written by the facility and the New Jersey Automobile Full Insurance Underwriting Association created by P.L.1983, c.65 (C.17:30E-1 et seq.); on or after October 1, 1991 no more than 20% of the aggregate number of private passenger non-fleet exposures written in this State shall be written by the facility; on or after April 1, 1992 no more than 10% of the aggregate number of private passenger non-fleet exposures written in this State shall be written by the facility; and on or after October 1, 1992, 0% of the aggregate number of private passenger non-fleet exposures written in this State shall be written by the facility. In establishing the quotas set forth above, the plan shall prescribe the number of voluntary market exposures which shall be written during each six-month period set forth in this paragraph in a manner consistent with the apportionment procedure established pursuant to subsection a. of section 26 of P.L.1983, c.65 (C.17:30E-14). In the event that any of the quotas established pursuant to this paragraph have not been met by the end of the applicable period, the commissioner shall direct the facility to assign the balance of the exposures needed to meet the applicable quota to member companies pursuant to the apportionment procedure. A member company which exceeds its apportionment share for any six-month period set forth in this paragraph shall receive credit for the excess against the following period's obligation. The commissioner may excuse a member company from meeting its obligations under the depopulation procedures if he determines that the company would be placed in an unsafe or unsound condition. When an exposure is assigned to a member company under this paragraph as a result of the failure of the member company to meet an applicable quota, but only in such circumstances, the following shall apply:

(a) When an assigned exposure is written by the member company assigned the exposure, the facility producer of record shall

have the right to service that business, which shall include all renewals thereof, and shall be entitled to a commission for that service in accordance with subparagraph (c) of this paragraph;

(b) The facility producer of record shall retain complete control, possession and ownership of all records and renewals regarding exposures assigned pursuant to this paragraph, provided, however, that the member company may maintain such records as are provided to it under the procedure established by subsection a. of section 26 of P.L.1983, c.65 (C.17:30E-14). A member company that acquires access to records pursuant to that subsection shall not share any such records with any other producer or use any such records to solicit direct renewal of the business, a change in producer of record, other insurance products or any other products;

(c) The facility producer of record shall be paid a commission by the member company on the business serviced by the facility producer of record pursuant to this paragraph. That commission shall be paid at a percentage rate no less than that being paid by the Market Transition Facility on July 1, 1991;

(d) A copy of every notice, other than bills, and including renewal declarations, change endorsements, cancellations and reinstatements, and the corresponding payment schedules included therein, correspondence, claims checks and acknowledgements, sent to an insured by a member company with respect to business covered by this paragraph, shall be sent to the facility producer of record;

(e) The procedure established in subparagraphs (a), (b), (c), (d), (e) and (f) of this paragraph shall be applicable only to exposures assigned to member companies in accordance with this paragraph as a result of the failure by the member company to meet an applicable quota. This paragraph shall not constitute the grant of an agency contract by the member company to the facility producer of record authorizing the facility producer of record to write new business through the member company; provided, however, that the facility producer of record shall have the authority to provide the usual and customary servicing of the business subject to this paragraph, including adding new and replacement vehicles and adding or changing coverages on the business; and

(f) Nothing in this paragraph shall deprive an insured of the right to designate a producer of record other than the facility producer of record. Upon that designation, the rights of the facility producer of record under this paragraph shall terminate. Notwithstanding any provision in this paragraph, the rights of the facility producer of record under this paragraph shall terminate in the

event of the producer's insolvency, gross and willful misconduct, fraud or license revocation;

(6) A schedule for the payment of premiums on an installment basis. Any installment payment schedule for policies issued for a one-year period shall provide for installment payments during a period of not less than nine months;

(7) That no policy issued by the facility may be cancelled for nonpayment of premium unless written notice is provided at least 15 days prior to the effective date of cancellation accompanied by the reason for cancellation. Notice shall be provided to the named insured and the producer of record at their last known addresses;

(8) For notification of the named insured and the producer of record at their last known addresses no later than 15 days after the nonrenewal of a facility policy of such nonrenewal; and

(9) Such other provisions as are deemed necessary for the operation of the facility.

Notwithstanding the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the commissioner shall amend the plan of operation to provide for an evaluation, prioritization and disbursement of claims payable by the facility. The amended plan of operation shall contain a schedule for the prioritization of the payment of claims from the facility's assets in accordance with the order in which each class of claims is set forth in subsection c. of section 26 of P.L.1975, c.113 (C.17:30C-26). Every claim in each class shall be paid in full, or adequate funds or other assets shall be set aside for such payment before the claims of the next class receive any payment, except that, if the facility is found to have insufficient funds to pay those claims, the commissioner may deny payment of claims to any class or classes. The commissioner shall issue final orders establishing the amounts and classes of claims payable from monies available to the facility, pursuant to procedures set forth in the plan of operation. These orders may be appealed to the Superior Court, Appellate Division. The commissioner may provide for the deferral of the payment of claims for noneconomic loss payable under policies issued by the facility over a period not to exceed four years. The commissioner may also provide for the deferral of other claim payments. In providing for such a deferral, consideration shall be given to the importance of paying claims for economic loss under policies issued by the facility in relation to other claims, of maintaining the facility's infrastructure in order to ensure the ser-

vice and payment of claims, both pending and future, and of protecting the interests of facility policyholders.

The commissioner shall further amend the plan of operation to provide a procedure for the commissioner to appoint qualified claims examiners and accountants to conduct independent field examinations and claims audits of servicing carriers to determine whether the servicing carriers have followed normal and prudent industry practices in their handling of claims on behalf of the facility. These examinations and audits shall be conducted at least semi-annually, and the examiners shall provide a report to the commissioner along with any findings or recommendations which have resulted from the examinations or audits. The commissioner shall annually report to the Governor and the Legislature his finding with respect to the examinations and audits of the facility servicing carriers.

d. (1) The commissioner shall apportion any losses of the facility in an amount not to exceed \$439 million among member companies based on each company's apportionment share as determined for purposes of depopulation pursuant to subsection a. of section 26 of P.L.1983, c.65 (C.17:30E-14), but no apportionment shall be made after the effective date of P.L.1994, c.57 (C.34:1B-21.1 et al.). All monies paid by a member company before the effective date of P.L.1994, c.57 (C.34:1B-21.1 et al.) shall be applied as a credit against such member company's apportioned share of losses. The facility is authorized to transfer up to \$100 million to the Division of Motor Vehicles Surcharge Fund created pursuant to section 12 of P.L.1994, c.57 (C.34:1B-21.12).

(2) Any amounts actually paid by a member company to the facility as payments on account or any amounts paid to the commissioner to satisfy its apportioned share for the losses of the facility shall not be passed through to any policyholder by any member company to recoup any of the amounts so paid, except as required by subsection g. of section 2 of P.L.1990, c.8 (C.17:33B-2).

e. The facility shall be subject to the provisions of P.L.1945, c.132 (C.54:18A-1 et seq.).

f. The commissioner shall, notwithstanding the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to the contrary, amend the plan of operation from time to time as may be necessary to effectuate the purposes of P.L.1994, c.57 (C.34:1B-21.1 et al.) or for any other purpose.

g. The commissioner shall undertake a review of any executive contract for services to the facility and may modify or

terminate any such contract if the commissioner determines that modification or termination is in the best interest of the facility. Notwithstanding the provisions of P.L.1954, c.48 (C.52:34-6 et seq.) or the provisions of section 24 of P.L.1983, c.65 (C.17:30E-12) to the contrary, the commissioner may enter into any contract on behalf of the facility, which may include the consolidation of the servicing of the facility's policies.

C.17:33B-11.1 Payment of claim attributable to damages subject to deferred payment plan.

18. Notwithstanding any provision of law to the contrary, no insured or other claimant under a Market Transition Facility policy shall be held personally liable for payment of any claim attributable to damages subject to a deferred payment plan implemented pursuant to subsection c. of section 88 of P.L.1990, c.8 (C.17:33B-11) until payment is made to the insured or claimant pursuant to any deferred payment.

19. Section 5 of P.L.1983, c.320 (C.17:33A-5) is amended to read as follows:

C.17:33A-5 Penalties; fund established.

5. a. If a person or practitioner is found by a court of competent jurisdiction, pursuant to a claim initiated by the commissioner, to have violated any provision of this act, the person or practitioner shall be subject to a civil penalty not to exceed \$5,000.00 for the first violation, \$10,000.00 for the second violation and \$15,000.00 for each subsequent violation. The penalty shall be paid to the commissioner to be used in accordance with subsection b. of this section. The court may also award court costs and reasonable attorneys' fees to the commissioner.

Nothing in this subsection shall be construed to prohibit the commissioner and the person or practitioner alleged to be guilty of a violation of this act from entering into a written agreement in which the person or practitioner does not admit or deny the charges but consents to payment of the civil penalty. A consent agreement may not be used in a subsequent civil or criminal proceeding relating to any violation of this act, but notification thereof shall be made to a licensing authority in the same manner as required pursuant to subsection c. of section 10 of P.L.1983, c.320 (C.17:33A-10).

b. The New Jersey Automobile Full Insurance Underwriting Association and Market Transition Facility Auxiliary Fund (herein-

after referred to as the "fund") is established as a nonlapsing, revolving fund into which shall be deposited all revenues from the civil penalties imposed pursuant to this section. Interest received on moneys in the fund shall be credited to the fund. The fund shall be administered by the Commissioner of Insurance and shall be used to help defray the operating expenses of the New Jersey Automobile Full Insurance Underwriting Association created pursuant to P.L.1983, c.65 (C.17:30E-1 et seq.) or shall be used to help defray the operating expenses of the Market Transition Facility created pursuant to section 88 of P.L.1990, c.8 (C.17:33B-11).

20. Section 6 of P.L.1983, c.65 (C.17:29A-35) is amended to read as follows:

C.17:29A-35 Merit rating plan.

6. a. A merit rating accident surcharge system for private passenger automobiles may be used in the voluntary market, by the New Jersey Automobile Full Insurance Underwriting Association created pursuant to section 16 of P.L.1983, c.65 (C.17:30E-4), by the Market Transition Facility created pursuant to section 88 of P.L.1990, c.8 (C.17:33B-11), and by any insurance plan established to provide private passenger automobile insurance pursuant to section 1 of P.L.1970, c.215 (C.17:29D-1). No surcharges shall be imposed on or after the operative date of this act, unless there is an at-fault accident within a three-year period immediately preceding the effective date of coverage which results in payment by the insurer of at least a \$300.00 claim. All moneys collected under this subsection shall be retained by the insurer assessing the surcharge. Accident surcharges shall be imposed for a three-year period and shall, for each filer, be uniform on a Statewide basis without regard to classification or territory.

b. There is created a New Jersey Merit Rating Plan which shall apply to all drivers and shall include, but not be limited to, the following provisions:

(1) (a) Plan surcharges shall be levied, beginning on or after January 1, 1984, by the Division of Motor Vehicles on any driver who has accumulated, within the immediately preceding three-year period, beginning on or after February 10, 1983, six or more motor vehicle points, as provided in Title 39 of the Revised Statutes, exclusive of any points for convictions for which surcharges are levied under paragraph (2) of this subsection; except that the allowance for a reduction of points in Title 39 of the Revised Statutes shall not

apply for the purpose of determining surcharges under this paragraph. Surcharges shall be levied for each year in which the driver possesses six or more points. Surcharges assessed pursuant to this paragraph shall be not less than \$100.00 for six points, and not less than \$25.00 for each additional point. The commissioner may increase the amount of surcharges as he deems necessary to effectuate the purposes of P.L.1983, c.65 (C.17:29A-33 et al.), and may, pursuant to regulation, permit the deferral of all or part of any surcharges authorized by this subsection until the end of the policy term of an automobile insurance policy with an effective date prior to January 1, 1984, upon presentation of appropriate evidence that an insured has already paid an equivalent surcharge arising from the same motor vehicle violation or conviction.

(b) (Deleted by amendment, P.L.1984, c.1.)

(2) Plan surcharges shall be levied for convictions (a) under R.S.39:4-50 for violations occurring on or after February 10, 1983, and (b) under section 2 of P.L.1981, c.512 (C.39:4-50.4a), or for offenses committed in other jurisdictions of a substantially similar nature to those under R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a), for violations occurring on or after January 26, 1984. Surcharges under this paragraph shall be levied annually for a three-year period, and shall be not less than \$1,000.00 per year for each of the first two convictions, and not less than \$1,500.00 per year for the third conviction occurring within a three-year period. If a driver is convicted under both R.S.39:4-50 and section 2 of P.L.1981, c.512 (C.39:4-50.4a) for offenses arising out of the same incident, the driver shall be assessed only one surcharge for the two offenses. The commissioner may increase the amount of surcharges as he deems necessary to effectuate the purposes of P.L.1983, c.65 (C.17:29A-33 et al.), and may, pursuant to regulation, permit the deferral of all or any part of these surcharges as provided in paragraph (1)(a) of this subsection.

If, upon written notification from the Division of Motor Vehicles, mailed to the last address of record with the division, a driver fails to pay a surcharge levied under this subsection, the license of the driver shall be suspended forthwith until the surcharge is paid to the Division of Motor Vehicles; except that upon satisfactory showing of indigency, the Division of Motor Vehicles may authorize payment of the surcharge on an installment basis over a period not to exceed 10 months.

For the purposes of this subparagraph, "indigency" shall be defined in rules and regulations promulgated by the Director of the Division of Motor Vehicles.

All moneys collectible under this subsection b. shall be billed and collected by the Division of Motor Vehicles. Of the moneys collected: 10%, or the actual cost of administering the collection of the surcharge, whichever is less, shall be retained by the Division of Motor Vehicles until August 31, 1996; five percent, or the actual cost of administering the cancellation notification system established pursuant to section 50 of P.L.1990, c.8 (C.17:33B-41), whichever is less, shall be retained by the Division of Motor Vehicles until August 31, 1996; and prior to October 1, 1991, the remainder shall be remitted to the New Jersey Automobile Full Insurance Underwriting Association and on or after October 1, 1991 until August 31, 1996, the remainder shall be remitted to the New Jersey Automobile Insurance Guaranty Fund created pursuant to section 23 of P.L.1990, c.8 (C.17:33B-5). Commencing on September 1, 1996, or such earlier time as the Commissioner of Insurance shall certify to the State Treasurer that amounts on deposit in the New Jersey Automobile Insurance Guaranty Fund are sufficient to satisfy the current and anticipated financial obligations of the New Jersey Automobile Full Insurance Underwriting Association, all plan surcharges collected by the Division of Motor Vehicles under this subsection b. shall be remitted to the Division of Motor Vehicles Surcharge Fund for transfer to the Market Transition Facility Revenue Fund, as provided in section 12 of P.L.1994, c.57 (C.34:1B-21.12), for the purposes of section 4 of P.L.1994, c.57 (C.34:1B-21.4) until such a time as all the Market Transition Facility bonds, notes and obligations issued pursuant to that section 4 of that act and the costs thereof are discharged and no longer outstanding. From the date of certification by the Commissioner of Insurance that the moneys collectible under this subsection are no longer needed to fund the association or at such a time as all Market Transition Facility bonds, notes and obligations issued pursuant to section 4 of P.L.1994, c.57 (C.34:1B-21.4) and the costs thereof are discharged and no longer outstanding, moneys collectible under this subsection shall, subject to appropriation, be remitted to the New Jersey Property-Liability Insurance Guaranty Association created pursuant to section 6 of P.L.1974, c.17 (C.17:30A-6) to be used for payment of any loans made by that association to the New Jersey Automobile Insurance Guaranty Fund pursuant to paragraph

(10) of subsection a. of section 8 of P.L.1974, c.17 (C.17:30A-8); provided that all such payments shall be subject to and dependent upon appropriation by the State Legislature.

(3) In addition to any other authority provided in P.L.1983, c.65 (C.17:29A-33 et al.), the commissioner, after consultation with the Director of the Division of Motor Vehicles, is specifically authorized (a) to increase the dollar amount of the surcharges for motor vehicle violations or convictions, (b) to impose, in accordance with paragraph (1)(a) of this subsection, surcharges for motor vehicle violations or convictions for which motor vehicle points are not assessed under Title 39 of the Revised Statutes, or (c) to reduce the number of points for which surcharges may be assessed below the level provided in paragraph (1)(a) of this subsection, except that the dollar amount of all surcharges levied under the New Jersey Merit Rating Plan shall be uniform on a Statewide basis for each filer, without regard to classification or territory. Surcharges adopted by the commissioner on or after January 1, 1984 for motor vehicle violations or convictions for which motor vehicle points are not assessable under Title 39 of the Revised Statutes shall not be retroactively applied but shall take effect on the date of the New Jersey Register in which notice of adoption appears or the effective date set forth in that notice, whichever is later.

c. No motor vehicle violation surcharges shall be levied on an automobile insurance policy issued or renewed on or after January 1, 1984, except in accordance with the New Jersey Merit Rating Plan, and all surcharges levied thereunder shall be assessed, collected and distributed in accordance with subsection b. of this section.

d. (Deleted by amendment, P.L.1990, c.8.)

e. The Commissioner of Insurance and the Director of the Division of Motor Vehicles as may be appropriate, shall adopt any rules and regulations necessary or appropriate to effectuate the purposes of this section.

21. This act shall take effect immediately and shall expire at midnight of the 90th day after enactment if a closing of the first issue of Market Transition Facility bonds or notes has not taken place before midnight of that 90th day.

Approved June 29, 1994.

CHAPTER 58

AN ACT abolishing the Department of the Public Advocate, providing for the transfer of certain of its functions, powers and duties and revising parts of the statutory law.

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

C.52:27E-50 Short title.

1. This act shall be known and may be cited as the "Public Advocate Restructuring Act of 1994."

C.52:27E-51 Department of the Public Advocate abolished.

2. a. The Department of the Public Advocate created by P.L.1974, c.27 (C.52:27E-1 et seq.) is abolished as a principal department in the Executive Branch of State Government and all of its functions, powers and duties, except as otherwise provided in P.L.1994, c.58 (C.52:27E-50 et al.), are terminated.

b. Except as otherwise provided in P.L.1994, c.58 (C.52:27E-50 et al.), whenever, in any law, rule, regulation, order, reorganization plan, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Department of the Public Advocate, the same shall mean and refer to the Office of the Public Defender in, but not of, the Department of State.

C.52:27E-52 Offices, terms; terminated.

3. The offices and terms of the Public Advocate, the deputy commissioner, assistant commissioners and the directors of the various divisions and offices of the Department of the Public Advocate, except as otherwise provided in P.L.1994, c.58 (C.52:27E-50 et al.), shall terminate upon the effective date of P.L.1994, c.58 (C.52:27E-50 et al.).

C.52:27E-53 Regulations null.

4. Regulations of the Department of the Public Advocate concerning its organization, function, practice and procedure are null and of no effect.

C.52:27E-54 Communications, records; confidentiality protected.

5. All communications between the individual client and any attorney in or engaged by the former Department of the Public Advocate shall remain fully protected by the attorney-client privilege subsequent to the effective date of P.L.1994, c.58 (C.52:27E-

50 et al.). The confidentiality of medical records and other documents maintained as confidential by the former Department of the Public Advocate shall likewise be protected subsequent to the effective date of P.L.1994, c.58 (C.52:27E-50 et al.).

C.52:27E-55 Office of the Public Defender continued, transferred to Department of State.

6. a. The Office of the Public Defender created by P.L.1967, c.43 (C.2A:158A-1 et seq.), together with all its functions, powers and duties, except as otherwise provided in P.L.1994, c.58 (C.52:27E-50 et al.), is continued and transferred to and constituted as the Office of the Public Defender in, but not of, the Department of State. Notwithstanding this allocation, the office shall not be subject to the supervision or control of the Department of State or any of its officers or employees. With the exception of cases handled by the Office of Rate Counsel and cases handled pursuant to the general public interest authority of the Public Advocate, responsibility for all cases pending on the effective date of P.L.1994, c.58 (C.52:27E-50 et al.) to which the Department of the Public Advocate is a party shall be assumed by the Office of the Public Defender, unless the Public Defender, exercising discretion, determines that there are not sufficient resources to continue any particular litigation. In assuming responsibility for such cases the Public Defender shall be bound by the terms of any orders, judgments, determinations or settlements in the same manner as its predecessor, the Department of the Public Advocate.

b. Except as otherwise provided in P.L.1994, c.58 (C.52:27E-50 et al.), whenever, in any law, rule, regulation, order, reorganization plan, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Office of the Public Defender, the same shall mean and refer to the Office of the Public Defender in, but not of, the Department of State.

7. Section 3 of P.L.1967, c.43 (C.2A:158A-3) is amended to read as follows:

C.2A:158A-3 Establishment of the Office of the Public Defender.

3. There is hereby established in the Executive Branch of the State Government the Office of the Public Defender. For the purpose of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the Office of the Public Defender is hereby allocated within the Department of State, but, notwithstanding said allocation, the office shall be

independent of any supervision or control by the department or by any board or officer thereof.

C.52:27E-56 Preservation of rights, duties as result of allocation to Department of State.

8. Allocation of the Office of the Public Defender to the Department of State as provided herein shall not alter or change the term, tenure of office, rights, obligations, duties or responsibilities otherwise provided by law for the Public Defender.

9. Section 7 of P.L.1967, c.43 (C.2A:158A-7) is amended to read as follows:

C.2A:158A-7 Powers, responsibilities of public defender.

7. The Public Defender shall:

- (a) Appoint such investigators, stenographic and clerical assistants and other personnel as may be required for the conduct of the office, subject to the provisions of Title 11A, Civil Service, of the New Jersey Statutes, and other applicable statutes;
- (b) Establish and maintain suitable headquarters for the office and such regional quarters within the State as the Public Defender shall deem necessary for the proper functioning of the office;
- (c) Maintain one or more trial pools of lawyers who shall be available to serve as counsel on a case basis as needed;
- (d) Engage counsel from said trial pools on a case basis as may be necessary for the proper performance of the duties of the office and compensate them for their services;
- (e) Accept the services of volunteer workers or consultants at no compensation or at nominal or token compensation and reimburse them for their proper and necessary expenses;
- (f) (Deleted by amendment, P.L.1972, c.168);
- (g) Keep and maintain proper financial records and records in respect to particular cases handled and develop records for use in the calculation of direct and indirect costs of all or any aspect of the operation of the office;
- (h) On the basis of available data or estimates to prepare schedules of rates from time to time of amounts to be paid for services rendered other than by the staff, taking into account the nature of the services, the time involved, trouble and risk, the skill and experience required, and other pertinent factors;
- (i) Have a general responsibility for the operation of the office;
- (j) Formulate and adopt rules and regulations as are necessary to effectuate the purposes of this act and for the efficient conduct

of the work and general administration of the office, its professional staff and other employees;

(k) Be the request officer of the office within the meaning of such term as defined in P.L.1944, c. 112;

(l) Have the authority to make all necessary arrangements to coordinate services to the office with any federal program to provide counsel to the indigent, and to arrange for the receipt by the office, wherever possible, of sums allowable under such federal program, whether by direct allowance, by assignment or transfer, or otherwise;

(m) Have the authority to solicit, apply for and expend grants, donations, or other funds available from the federal government or private foundations as may be available to support the programs of the office; and

(n) Assume responsibility for representation in litigation formerly handled by the Office of Inmate Advocacy in the Department of the Public Advocate that is pending on the effective date of P.L.1994, c.58 (C.52:27E-50 et al.).

C.52:27E-57 Appropriated funds.

10. Funds appropriated to the Office of the Public Defender shall be available for the expenses associated with the defense of pool attorneys hired by the Office of the Public Defender for the representation of indigent clients if these pool attorneys are sued by Office of the Public Defender clients for services rendered to those clients. Funds appropriated to the fund established pursuant to N.J.S.59:12-1 shall be available for the indemnification of these pool attorneys.

C.52:27E-58 Rate counsel matters assumed by Office of the Public Defender.

11. a. Until the effective date of Reorganization Plan 94-001, all functions, powers, and duties now vested in the Division of Rate Counsel in the Department of the Public Advocate, except as otherwise provided in P.L.1994, c.58 (C.52:27E-50 et al.), are transferred to and assumed by the Office of the Public Defender and the officers thereof in, but not of, the Department of State. Upon the effective date of Reorganization Plan 94-001, the provisions of that plan shall govern.

b. Except as otherwise provided in P.L.1994, c.58 (C.52:27E-50 et al.), whenever, in any law, rule, regulation, order, reorganization plan, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Division of Rate Counsel in the Department of the Public Advocate or the officers thereof, the same shall mean and refer to the Division of

Rate Counsel or the officers thereof within the Office of the Public Defender in, but not of, the Department of State.

C.52:27E-59 Environmental Protection matters assumed by Department of Environmental Protection.

12. a. Those functions of the Division of Rate Counsel in the Department of the Public Advocate related to matters pending before the Commissioner of Environmental Protection, including representation in any pending solid waste rate cases and the power to levy assessments solely for the costs of experts to analyze rate applications and to appear as witnesses at hearings, are transferred to and assumed by the Department of Environmental Protection, which shall be represented in any rate litigation by the Attorney General.

b. Except as otherwise provided in P.L.1994, c.58 (C.52:27E-50 et al.), whenever, in any law, rule, regulation, order, reorganization plan, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Division of Rate Counsel in the Department of the Public Advocate or the officers thereof, with respect to solid waste rate cases, the same shall mean and refer to the Department of Environmental Protection.

C.52:27E-60 Insurance matters assumed by Department of Insurance.

13. a. Those functions of the Division of Rate Counsel in the Department of the Public Advocate related to matters pending before the Commissioner of Insurance, including representation in any pending insurance rate cases and the power to levy assessments solely for the costs of experts to analyze rate applications and to appear as witnesses at hearings, are transferred to and assumed by the Department of Insurance, which shall be represented in any rate litigation by the Attorney General.

b. Whenever, in any law, rule, regulation, order, reorganization plan, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Division of Rate Counsel in the Department of the Public Advocate or the officers thereof, with respect to insurance rate cases, the same shall mean and refer to the Department of Insurance.

C.52:27E-61 Public utility assessments made by Division of Ratepayer Advocate.

14. The Division of the Ratepayer Advocate, as established by Reorganization Plan 94-001, shall annually make an assessment against each public utility consistent with but separate from the Board of Public Utilities' assessments under the provisions of P.L.1968, c.173 (C.48:2-59 et seq.). All assessments due and owing to the Division of Rate Counsel as of June 30, 1994 shall

be deemed due and owing to the Division of the Ratepayer Advocate as of July 4, 1994.

C.52:27E-62 Formulation of annual assessment.

15. The annual assessment shall be equal to a percentage of the gross operating revenue of the public utilities under the jurisdiction of the board derived from intrastate operations during the preceding calendar year at a rate to be determined annually by the Director of the Division of the Ratepayer Advocate in the manner set forth in section 2 of P.L.1968, c.173 (C.48:2-60), except that the total amount assessed to any public utility shall not exceed 1/4 of 1% of the gross operating revenue subject to assessment hereunder. The minimum annual assessment under this section shall not be less than \$500.00.

C.52:27E-63 Director of the Division of Ratepayer Advocate; appointment, term, powers.

16. a. The Director of the Division of Ratepayer Advocate shall be appointed by the Governor, with the advice and consent of the Senate. The term of the initial appointee to the position of director shall terminate on the last day of the 24th month of the Governor's term of office. Thereafter, the director shall serve a two year term; provided however, the term of the director shall not extend beyond the term of the Governor.

b. The Director of the Division of Ratepayer Advocate is authorized to employ expert witnesses and such other professional expertise as the director may from time to time deem necessary to assist the staff in its participation in proceedings before the Board of Public Utilities. The compensation of these experts shall be paid by the utility participating in said proceeding which payment shall be separate and apart from the annual assessment set forth in sections 14 and 15 of P.L.1994, c.58 (C.52:27E-61 and C.52:27E-62). In no event shall the sum total assessment paid by any utility pursuant to section 15 and this section exceed 1/4 of 1% of the gross operating revenue subject to assessment hereunder.

C.52:27E-64 Annual assessment levied.

17. The annual assessment set forth in sections 14 and 15 of P.L.1994, c.58 (C.52:27E-61 and C.52:27E-62) shall be levied by the Division of the Ratepayer Advocate no later than July 1, and shall be paid within 30 days of mailing notice thereof and a statement of the amount by first class mail to any public utility, except that for Fiscal Year 1995 this assessment shall be levied no later than August 1, 1994.

C.52:27E-65 Division of Mental Health Advocacy issues assumed by Office of the Public Defender.

18. a. All functions, powers and duties now vested in the Division of Mental Health Advocacy in the Department of the Public Advocate related to any indigent mental hospital admittee's admission to, retention in, or release from confinement in a hospital, institution or facility are transferred to and assumed by the Office of the Public Defender and the officers thereof in, but not of, the Department of State.

b. Except as otherwise provided in P.L.1994, c.58 (C.52:27E-50 et al.), whenever in any law, rule, regulation, order, reorganization plan, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Division of Mental Health Advocacy in the Department of the Public Advocate or the officers thereof, the same shall mean and refer to the Office of the Public Defender and the officers thereof in, but not of, the Department of State.

C.52:27E-66 "Indigent mental hospital admittee" defined.

19. For purposes of P.L.1994, c.58 (C.52:27E-50 et al.), "indigent mental hospital admittee" means a person who has been admitted to and is a patient in a mental hospital, an institution for the care and treatment of the mentally ill, or a similar facility, whether public or private, State, county or local, or who is the subject of an action for admission as provided by P.L.1987, c.116 (C.30:4-27.1 et seq.) and who does not have the present financial ability to secure competent legal representation and to provide all other necessary expenses of representation.

C.52:27E-67 Employment of assistants; case assignment.

20. The Public Defender may employ such assistants on a full-time basis as are necessary to perform such functions of the former Division of Mental Health Advocacy as are preserved in P.L.1994, c.58 (C.52:27E-50 et al.). When exceptional circumstances arise, the Public Defender may on a temporary basis retain such other expert assistants as are necessary pursuant to a reasonable fee schedule established in advance by the Public Defender.

Cases shall be assigned to staff attorneys or attorneys hired by case on a basis calculated to provide competent representation in light of the nature of the case, the services to be performed, the experience of the particular attorney and other relevant factors.

21. The Public Defender may represent the interests of indigent mental hospital admittees in such disputes and litigation as will, in the discretion of the Public Defender, best advance the interests of indigent mental hospital admittees as a class on an issue of general application to them, and may act as representative of indigent mental hospital admittees with any principal department or other instrumentality of State, county or local government.

C.52:27E-68 Office of Public Defender coordination with State mental health protection and advocacy agency.

22. The Office of the Public Defender may take such actions as the Governor shall by Executive Order, or other formal redesignation document, authorize for the purpose of coordinating and cooperating with any private entity designated by the Governor as the State's mental health protection and advocacy agency.

C.52:27E-69 Determination of mental health services eligibility.

23. Eligibility for mental health services shall be determined on the basis of the need of the client. Need shall be measured according to the financial ability of the client to engage and compensate competent private counsel and to provide all other necessary expenses of representation. Such ability shall be recognized to be a variable depending on the nature, extent and liquidity of assets and on the disposable net income of the client as compared with the nature of the case, the effort and skill required to gather pertinent information, render advice, conduct trial or render other legal services, and probable expenses to be incurred. In the event that a determination of eligibility cannot be made before the time when the first services are to be rendered, or if an initial determination is found to be erroneous, the Public Defender shall undertake the same provisionally, and if it is determined subsequently that the client is ineligible the Public Defender shall so inform the client, and the client shall thereupon, with the approval of the court, be obliged to engage his own counsel and to reimburse the Public Defender for the cost of the services rendered to that time.

C.52:27E-70 Financial status investigation of mental health client.

24. The Public Defender shall make such investigation of the financial status of each mental health client as the circumstances warrant. The Public Defender, pursuant to rules and regulations promulgated by the Office of the Public Defender for this purpose, may obtain information from any public record, office of

the State or of any subdivision or agency thereof on request and without payment of the fees ordinarily required by law.

C.52:27E-71 Independent contractors not public entities, employees.

25. Independent contractors or other individuals, agencies, or entities not established in or employed by the Office of the Public Defender designated to provide protection and advocacy services to indigent mental hospital admittees or persons with a developmental disability as the term is defined in section 3 of P.L.1977, c.82 (C.30:6D-3), the "Developmentally Disabled Rights Act," are not public entities or public employees for purposes of the "New Jersey Tort Claims Act," N.J.S.59:1-1 et seq.

26. Section 6 of P.L.1987, c.5 (C.30:1AA-15) is amended to read as follows:

C.30:1AA-15 Governor's council; executive committee.

6. a. The Governor's Council on the Prevention of Mental Retardation, originally created by Executive Order No. 72 (signed May 24, 1984), shall serve as an advisory council to the Commissioner of the Department of Human Services and to the Office for Prevention of Mental Retardation and Developmental Disabilities.

The State Departments of Human Services, Education, Health and Environmental Protection are authorized and directed, to the extent consistent with the law, to cooperate with the Governor's Council on the Prevention of Mental Retardation and to furnish it with resources necessary to carry out its purposes under this act.

b. The Governor's Council on the Prevention of Mental Retardation shall establish from its members the Executive Committee of the Governor's Council on the Prevention of Mental Retardation. This committee shall have full power to act in lieu of the full council.

The executive committee shall consist of 11 members, all of whom are members of the Governor's council. The Commissioners of the Departments of Health, Human Services, Education and Environmental Protection shall serve as ex officio members. An advocate for the mentally retarded and developmentally disabled and the Chairperson of the Governor's council shall serve as non-voting, ex officio members of the executive committee. The Governor's council shall elect from its membership the remaining five members of the executive committee. These persons, as members of the Governor's council, shall be selected for their knowledge, competence, experience or interest in connection with the prevention of mental retardation and developmental disabili-

ties. Members of the executive committee may, from time to time, designate other individuals as their representatives.

The executive committee shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties. The Governor's council shall elect an executive committee chairperson from among the four voting cabinet members of the executive committee. The executive committee may select from among its members a vice-chairperson and other officers or subcommittees which are deemed necessary or appropriate.

C.52:27E-72 Office of Dispute Settlement transferred to Office of the Public Defender.

27. a. All functions, powers and duties now vested in the Office of Dispute Settlement in the Department of the Public Advocate, except as otherwise provided in P.L.1994, c.58 (C.52:27E-50 et al.), are transferred to and assumed by the Office of the Public Defender and the officers thereof in, but not of, the Department of State.

b. Except as otherwise provided in P.L.1994, c.58 (C.52:27E-50 et al.) whenever, in any law, rule, regulation, order, reorganization plan, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Office of Dispute Settlement in the Department of the Public Advocate or the officers thereof, the same shall mean and refer to the Office of the Public Defender or the officers thereof in, but not of, the Department of State.

C.52:27E-73 Duties of Office of Dispute Settlement; fee establishment.

28. a. The Office of Dispute Settlement may provide, in the discretion of the Public Defender, mediation, and other third party neutral services in the resolution of disputes which involve the public interest and may enter into agreements or contracts to carry out any of the purposes or functions of this section. The Office of Dispute Settlement may assist public or private parties in resolving disputes. The Office of Dispute Settlement is authorized to:

- (1) Facilitate the resolution of disputes through the provision of mediation and other neutral dispute resolution services;
- (2) Establish standards for the selection, assignment, and conduct of persons acting on behalf of said office in the resolution of disputes;
- (3) Conduct educational programs and provide other services designed to reduce the occurrence, magnitude, or cost of disputes;
- (4) Design, develop, or operate dispute resolution programs, or assist in improving or extending existing dispute resolution programs;

(5) Work with the business ombudsman, established by Executive Order No. 15, and take such other action as will promote and facilitate dispute resolution in the State; and

(6) Coordinate and cooperate with the Office of Administrative Law so as to avoid duplication of effort and to facilitate alternate resolution of disputes that would otherwise require administrative hearings.

b. The Public Defender may establish reasonable fees to be charged to public or private parties for the provision of the educational, consultation, dispute resolution, or other services authorized herein and may apply for and accept on behalf of the State any federal, local, or private grants, bequests, gifts, or contributions to aid in the financing of any of the programs or activities of the office. The Public Defender in the name of the State shall do all that is necessary and proper to receive or to collect all moneys due to the State, including such fees, grants, bequests, gifts, or contributions, by or reimbursement for services rendered pursuant to this section.

29. a. All functions, powers and duties now vested in the Division of Advocacy for the Developmentally Disabled in the Department of the Public Advocate, except as otherwise provided in P.L.1994, c.58 (C.52:27E-50 et al.), are transferred to and assumed by the Office of the Public Defender and the officers thereof in, but not of, the Department of State.

b. Except as otherwise provided in P.L.1994, c.58 (C.52:27E-50 et al.), whenever, in any law, rule, regulation, order, reorganization plan, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Division of Advocacy for the Developmentally Disabled in the Department of the Public Advocate or the officers thereof, the same shall mean and refer to the Office of the Public Defender and the officers thereof in but not of the Department of State.

30. The Public Defender may employ such assistants on a full-time basis as are necessary to protect the rights of developmentally disabled persons. When exceptional circumstances arise, the Public Defender may retain on a temporary basis such other expert assistants as are necessary pursuant to a reasonable fee schedule established in advance by the Public Defender.

Cases shall be assigned to staff attorneys or attorneys hired by case on a basis calculated to provide competent representation in

light of the nature of the case, the services to be performed, the experience of the particular attorney and other relevant factors.

31. For purposes of P.L.1994, c.58 (C.52:27E-50 et al.), a developmentally disabled person is a person with a developmental disability as that term is defined in section 3 of P.L.1977, c.82 (C.30:6D-3) (the "Developmentally Disabled Rights Act").

32. The Public Defender may receive and investigate complaints and provide such legal representation and other advocacy services on an individual or class basis as the Public Defender deems appropriate to protect and advocate the rights of developmentally disabled persons. The Public Defender may also, within the limits of available funding, provide services to other handicapped persons or classes of persons found by the Public Defender to have needs similar to developmentally disabled people.

C.52:27E-74 Public defender coordination with State agency for developmentally disabled persons.

33. The Office of the Public Defender may take such actions as the Governor shall by Executive Order, or other formal redesignation document, authorize for the purpose of coordinating and cooperating with any private entity designated by the Governor as the State's protection and advocacy agency for persons with developmental disabilities.

34. Eligibility for services for the developmentally disabled shall be determined on the basis of the need of the client and in a manner consistent with the conditions of any grant obtained by the Public Defender to assist in implementing P.L.1994, c.58 (C.52:27E-50 et al.).

35. Section 6 of P.L.1990, c.50 (C.30:4-165.13a) is amended to read as follows:

C.30:4-165.13a Annual report to the Legislature.

6. The Commissioner of Human Services, in consultation with the Public Defender, shall report to the Governor and the Legislature annually on: the number of cases reviewed by the commissioner pursuant to section 8 of P.L.1985, c.133 (C.30:4-165.13); the disposition of these cases, including the number of cases referred to the Attorney General; the number of cases remaining to be reviewed; the number of cases in which the Public

Defender was appointed to serve as counsel; and the disposition of these cases. The commissioner shall include in the report any recommendations for administrative or legislative action that he deems necessary in order to ensure that all cases are reviewed as required pursuant to section 8 of P.L.1985, c.133 (C.30:4-165.13).

36. Section 9 of P.L.1985, c.133 (C.30:4-165.14) is amended to read as follows:

C.30:4-165.14 Public Defender as counsel.

9. The court shall appoint the Public Defender to serve as counsel for persons who do not have an attorney and over whom guardianship is sought pursuant to P.L.1985, c.133 (C.30:4-165.4 et al.) if the petition seeks only guardianship of the person, to the extent that funds are available for this purpose. If the Public Defender is unable to perform this service, the court shall appoint an attorney licensed by the State of New Jersey and in good standing. No attorney's fee is payable for the rendering of this service by the private attorney.

C.52:27E-75 Access to client records, files by designated agencies.

37. Any agency designated by the Governor to serve as the State's protection and advocacy agency for the mentally ill and for the developmentally disabled shall have the same access to client records and files, to agency records and to the premises of State or private institutions as the former Divisions of Mental Health Advocacy and Advocacy for the Developmentally Disabled in the Department of the Public Advocate. The intent of this section is that any private protection and advocacy agency designated by the Governor have all of the powers necessary to carry out its responsibilities as required to qualify for federal funding as the protection and advocacy agency.

38. N.J.S.2C:48-1 is amended to read as follows:

Composition.

2C:48-1. Composition. There is hereby created a Criminal Disposition Commission, consisting of 12 members consisting of two members of the Senate, no more than one of whom shall be of the same political party, appointed by the President of the Senate; two members of the General Assembly, no more than one of whom shall be of the same political party, appointed by the Speaker of the General Assembly; the Chief Justice of the Supreme Court or his designee, the Attorney General or his designee.

nee, the Public Defender or his designee, the Chairman of the State Parole Board or his designee, the Commissioner of the Department of Corrections or his designee, the President of the New Jersey Prosecutors Association or his designee and two public members to be appointed by the Governor. The legislative members shall serve for terms coextensive with their respective terms as a member of the House of the Legislature from which they are appointed and the two public members shall serve for a term of three years except that one of the initial appointments shall be for a term of one year. Members shall be eligible for reappointment to the commission, and vacancies in the commission shall be filled in the same manner as the original appointment, but for the unexpired term only. The members of the commission shall serve without compensation, but shall only be reimbursed for necessary expenses actually incurred in the performance of their duties under this chapter. The commission shall choose a chairman from among its members.

39. Section 1 of P.L.1974, c.119 (C.9:6-8.21) is amended to read as follows:

C.9:6-8.21 Definitions.

1. As used in this act, unless the specific context indicates otherwise:

a. "Parent or guardian" means any natural parent, adoptive parent, foster parent, stepparent, or any person, who has assumed responsibility for the care, custody or control of a child or upon whom there is a legal duty for such care. Parent or guardian includes a teacher, employee or volunteer, whether compensated or uncompensated, of an institution who is responsible for the child's welfare and any other staff person of an institution regardless of whether or not the person is responsible for the care or supervision of the child. Parent or guardian also includes a teaching staff member or other employee, whether compensated or uncompensated, of a day school as defined in section 1 of P.L.1974, c.119 (C.9:6-8.21).

b. "Child" means any child alleged to have been abused or neglected.

c. "Abused or neglected child" means a child less than 18 years of age whose parent or guardian, as herein defined, (1) inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or

protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ; (2) creates or allows to be created a substantial or ongoing risk of physical injury to such child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted loss or impairment of the function of any bodily organ; (3) commits or allows to be committed an act of sexual abuse against the child; (4) or a child whose physical, mental, or emotional condition has been impaired or is in imminent danger of becoming impaired as the result of the failure of his parent or guardian, as herein defined, to exercise a minimum degree of care (a) in supplying the child with adequate food, clothing, shelter, education, medical or surgical care though financially able to do so or though offered financial or other reasonable means to do so, or (b) in providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or substantial risk thereof, including the infliction of excessive corporal punishment; or by any other acts of a similarly serious nature requiring the aid of the court; (5) or a child who has been willfully abandoned by his parent or guardian, as herein defined; (6) or a child upon whom excessive physical restraint has been used under circumstances which do not indicate that the child's behavior is harmful to himself, others or property; (7) or a child who is in an institution and (a) has been placed there inappropriately for a continued period of time with the knowledge that the placement has resulted or may continue to result in harm to the child's mental or physical well-being or (b) who has been willfully isolated from ordinary social contact under circumstances which indicate emotional or social deprivation.

A child shall not be considered abused or neglected pursuant to paragraph (7) of subsection c. of this section if the acts or omissions described therein occur in a day school as defined in this section.

No child who in good faith is under treatment by spiritual means alone through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall for this reason alone be considered to be abused or neglected.

d. "Law guardian" means an attorney admitted to the practice of law in this State, regularly employed by the Office of the Public Defender or appointed by the court, and designated under this act to represent minors in alleged cases of child abuse or neglect.

e. "Attorney" means an attorney admitted to the practice of law in this State who shall be privately retained; or, in the instance of an indigent parent or guardian, an attorney from the Office of the

Public Defender or an attorney appointed by the court who shall be appointed in order to avoid conflict between the interests of the child and the parent or guardian in regard to representation.

f. "Division" means the Division of Youth and Family Services in the Department of Human Services unless otherwise specified.

g. "Institution" means a public or private facility in the State which provides children with out of home care, supervision or maintenance. Institution includes, but is not limited to, a correctional facility, detention facility, treatment facility, day care center, residential school, shelter and hospital.

h. "Day school" means a public or private school which provides general or special educational services to day students in grades kindergarten through 12. Day school does not include a residential facility, whether public or private, which provides care on a 24-hour basis.

40. Section 23 of P.L.1974, c.119 (C.9:6-8.43) is amended to read as follows:

C.9:6-8.43 Notice of rights.

23. Notice of rights. a. The court shall advise the parent or guardian of his right to have an adjournment to retain counsel and consult with him. The court shall advise the respondent that if he is indigent, he may apply for an attorney through the Office of the Public Defender. The court shall appoint a law guardian for the child as provided by this act.

b. The general public may be excluded from any hearing under this act, and only such persons and the representatives of authorized agencies may be admitted thereto as have an interest in the case.

41. Section 12 of P.L.1975, c.231 (C.10:4-17) is amended to read as follows:

C.10:4-17 Penalty; enforcement.

12. Any person who knowingly violates any of the foregoing sections of this act shall be fined \$100.00 for the first offense and no less than \$100.00 nor more than \$500.00 for any subsequent offense, recoverable by the State by a summary proceeding under "the penalty enforcement law" (N.J.S.2A:58-1 et seq.). The Superior Court shall have jurisdiction to enforce said penalty upon complaint of the Attorney General or the county prosecutor. Whenever a member of a public body believes that a meeting of such body is being held in violation of the provisions of this act, he shall immediately state this at the meeting together with specific reasons for his belief which

shall be recorded in the minutes of that meeting. Whenever such a member's objections to the holding of such meeting are overruled by the majority of those present, such a member may continue to participate at such meeting without penalty provided he has complied with the duties imposed upon him by this section.

42. Section 13 of P.L.1987, c.333 (C.13:1E-189) is amended to read as follows:

C.13:1E-189 Disclosure statement; negotiations.

13. a. A person proposing to own or operate a regional low-level radioactive waste disposal facility shall submit a disclosure statement pursuant to, and shall be otherwise subject to, within the limits of federal law, the provisions of P.L.1983, c.392 (C.13:1E-126 et al.).

b. The owner or operator of the regional low-level radioactive waste disposal facility who has received a license pursuant to federal law shall enter into negotiations with the host municipality concerning such issues as the two parties have identified as potential conflicts. These negotiations shall be mediated by a representative of the Office of Dispute Settlement in the Office of the Public Defender in a manner consistent with the practices and procedures of the Office of Dispute Settlement.

c. The owner or operator of the regional low-level radioactive waste disposal facility who has received a license pursuant to federal law may construct and operate that facility without regard to any local zoning ordinance, and the use shall not be required to be submitted to or approved by any county or municipal governing body, zoning, or planning board or other agency, except as otherwise expressly provided herein. The board, department, county, or municipality shall conduct inspections during construction.

43. Section 14 of P.L.1944, c.27 (C.17:29A-14) is amended to read as follows:

C.17:29A-14 Filing of rate changes; hearing.

14. a. With regard to all property and casualty lines, a filer may, from time to time, alter, supplement, or amend its rates, rating systems, or any part thereof, by filing with the commissioner copies of such alterations, supplements, or amendments, together with a statement of the reason or reasons for such alteration, supplement, or amendment, in a manner and with such information as may be required by the commissioner. If such alteration, supple-

ment, or amendment shall have the effect of increasing or decreasing rates, the commissioner shall determine whether the rates as altered thereby are reasonable, adequate, and not unfairly discriminatory. If the commissioner shall determine that the rates as so altered are not unreasonably high, or inadequate, or unfairly discriminatory, he shall make an order approving them. If he shall find that the rates as altered are unreasonable, inadequate, or unfairly discriminatory, he shall issue an order disapproving such alteration, supplement or amendment.

b. (Deleted by amendment, P.L.1984, c.1.)

c. If an insurer or rating organization files a proposed alteration, supplement or amendment to its rating system, or any part thereof, which would result in a change in rates, the commissioner may, or upon the request of the filer or the appropriate division or office in the Department of Insurance shall, certify the matter for a hearing. The hearing shall, at the commissioner's discretion, be conducted by himself, by a person appointed by the commissioner pursuant to section 26 of P.L.1944, c.27 (C.17:29A-26), or by the Office of Administrative Law, created by P.L.1978, c.67 (C.52:14F-1 et seq.), as a contested case. The following requirements shall apply to the hearing:

(1) The hearing shall commence within 30 days of the date of the request or decision that a hearing is to be held. The hearing shall be held on consecutive working days, except that the commissioner may, for good cause, waive the consecutive working day requirement. If the hearing is conducted by an administrative law judge, the administrative law judge shall submit his findings and recommendations to the commissioner within 30 days of the close of the hearing. The commissioner may, for good cause, extend the time within which the administrative law judge shall submit his findings and recommendations by not more than 30 days. A decision shall be rendered by the commissioner not later than 60 days, or, if he has granted a 30 day extension, not later than 90 days, from the close of the hearing. A filing shall be deemed to be approved unless rejected or modified by the commissioner within the time period provided herein.

(2) The commissioner, or the Director of the Office of Administrative Law, as appropriate, shall notify all interested parties, including the appropriate division or office in the Department of Insurance on behalf of insurance consumers, of the date set for commencement of the hearing, on the date of the filing of the request for a hearing, or within 10 days of the decision that a hearing is to be held.

(3) The insurer or rating organization making a filing on which a hearing is held shall bear the costs of the hearing.

(4) The commissioner may promulgate rules and regulations (a) to establish standards for the submission of proposed filings, amendments, additions, deletions and alterations to the rating system of filers, which may include forms to be submitted by each filer; and (b) making such other provisions as he deems necessary for effective implementation of this act.

d. (Deleted by amendment, P.L.1984, c.1.)

e. In order to meet, as closely as possible, the deadlines in section 17 of P.L.1983, c.362 (C.39:6A-23) for provision of notice of available optional automobile insurance coverages pursuant to section 13 of P.L.1983, c.362 (C.39:6A-4.3) and section 8 of P.L.1972, c.70 (C.39:6A-8), and to implement these coverages, the commissioner may require the use of rates, fixed by him in advance of any hearing, for deductible, exclusion, setoff and tort limitation options, on an interim basis, subject to a hearing and to a provision for subsequent adjustment of the rates, by means of a debit, credit or refund retroactive to the effective date of the interim rates. The public hearing on initial rates applicable to the coverages available under section 13 of P.L.1983, c.362 (C.39:6A-4.3) and section 8 of P.L.1972, c.70 (C.39:6A-8) shall not be limited by the provisions of subsection c. of this section governing changes in previously approved rates or rating systems.

44. Section 5 of P.L.1988, c.156 (C.17:29A-44) is amended to read as follows:

C.17:29A-44 Maximum rate increases.

5. a. Beginning July 1, 1989, a filer may charge rates for private passenger automobile insurance in the voluntary market which are not in excess of the following:

(1) For private passenger automobile personal injury protection coverage, residual bodily injury and property damage insurance, the maximum permissible annual rate increase applicable to each rate level utilized by an insurer in the voluntary market pursuant to section 6 of P.L.1988, c.156 (C.17:29A-45) shall be a State-wide average rate change of not more than the last published increase in the medical care services components of the national Consumer Price Index, all urban consumers, U.S. city average, plus three percentage points.

(2) For private passenger automobile physical damage coverage, the maximum permissible annual rate increase applicable to each rate level utilized by an insurer in the voluntary market pursuant to section 6 of P.L.1988, c.156 (C.17:29A-45) shall be a Statewide average rate change of not more than the last published increase in the automobile maintenance and repair components of the national Consumer Price Index, U.S. city average, plus three percentage points.

b. For the purposes of this section, "Statewide average rate change" means the total Statewide premium for all coverages combined at the rates in effect at the time of the filing for each rate level.

c. Any change in excess of the rate changes permitted by paragraphs (1) and (2) of subsection a. shall be subject to the provisions of P.L.1944, c.27 (C.17:29A-1 et seq.).

d. If, at any time, the commissioner believes that an increase in either or both of the published indices will produce rate levels which are excessive, he may modify the Statewide average rate change which may be used pursuant to this section.

e. A filer may implement a change in rate level, pursuant to subsection a. of this section, in whole or in part, in a single or in multiple filings by making an informational filing with the commissioner in a manner and form approved by the commissioner. The filing shall include a statement of the reason or reasons for the change in rate level, including, but not limited to, the claim and expense experience of the individual filer.

f. Other than filings made pursuant to subsection c. of this section, neither the provisions of subsection c. of section 14 of P.L.1944, c.27 (C.17:29A-14), nor the provisions of section 19 of P.L.1974, c.27 (C.52:27E-18), shall apply to any filing made pursuant to this section. However, the commissioner shall provide a copy of any filing made or other information provided by a filer pursuant to the provisions of this section to the appropriate division or office in the Department of Insurance. The appropriate division or office in the Department of Insurance may challenge a rate change implemented pursuant to subsection a. of this section after the effective date of the rate change by filing such challenge in writing with the commissioner within 30 days of the effective date of the rate change. The commissioner shall hear the matter on an expedited basis and shall render a final determination within six months of the date of filing. The commissioner may, for good cause, extend this six-month period up to an additional three months. If that division or office in the Department of Insurance prevails, the commissioner shall reduce or rescind the rate change

as appropriate. If the commissioner reduces or rescinds a rate change as a result of a challenge by the appropriate division or office in the Department of Insurance filed pursuant to the provisions of this subsection, the filer shall bear the cost of the reasonable expenses incurred by that division or office in the Department of Insurance in maintaining the challenge.

g. The commissioner shall monitor the implementation and use of flex rating pursuant to this section and shall report his findings to the Senate Labor, Industry and Professions Committee and the Assembly Insurance Committee, or their successors, including any legislative proposals, no later than July 1, 1992. This report shall provide an evaluation of the use of this rating mechanism and its impact on the availability and affordability of private passenger automobile insurance in this State and the depopulation of the New Jersey Automobile Full Insurance Underwriting Association and shall include any legislative proposals or other recommendations of the commissioner.

45. Section 8 of P.L.1992, c.161 (C.17B:27A-9) is amended to read as follows:

C.17B:27A-9 Determination of rates.

8. a. The board shall make application to the Hospital Rate Setting Commission on behalf of all carriers for approval of discounted or reduced rates of payment to hospitals for health care services provided under an individual health benefits plan provided pursuant to this act.

b. In addition to discounted or reduced rates of hospital payment, the board shall make application on behalf of all carriers for any other subsidies, discounts, or funds that may be provided for under State or federal law or regulation. A carrier may include discounted or reduced rates of hospital payment and other subsidies or funds granted to the board to reduce its premium rates for individual health benefits plans subject to this act.

c. A carrier shall not issue individual health benefits plans on a new contract or policy form pursuant to this act until an informational filing of a full schedule of rates which applies to the contract or policy form has been filed with the board. The board shall forward the informational filing to the commissioner and the Attorney General.

d. A carrier shall make an informational filing with the board of any change in its rates for individual health benefits plans pursuant to section 3 of this act prior to the date the rates become effective.

The board shall file the informational filing with the commissioner and the Attorney General. If the carrier has filed all information required by the board, the filing shall be deemed to be complete.

e. (1) Rates shall be formulated on contracts or policies required pursuant to section 3 of this act so that the anticipated minimum loss ratio for a contract or policy form shall not be less than 75% of the premium. The carrier shall submit with its rate filing supporting data, as determined by the board, and a certification by a member of the American Academy of Actuaries, or other individuals acceptable to the board and to the commissioner, that the carrier is in compliance with the provisions of this subsection.

(2) Following the close of each calendar year, if the board determines that a carrier's loss ratio was less than 75% for that calendar year, the carrier shall be required to refund to policy or contract holders the difference between the amount of net earned premium it received that year and the amount that would have been necessary to achieve the 75% loss ratio.

46. Section 17 of P.L.1979, c.496 (C.30:1A-2) is amended to read as follows:

C.30:1A-2 Interdepartmental and interagency cooperation.

17. Every executive department or agency of this State charged with administering any licensing, inspection, enforcement, referral or placement program for residential health care facilities, rooming houses or boarding houses shall cooperate fully, and coordinate its programs to the greatest extent possible, with any other department or agency so charged.

In order to facilitate such cooperation and coordination, the Commissioner of the Department of Human Services shall convene quarterly meetings of a policy coordinating committee, which shall consist of said commissioner, the Commissioners of the Departments of Community Affairs and Health and the Ombudsman for the Institutionalized Elderly or their designated representatives, and to which the Public Defender, and representatives of such other State and local agencies as may be designated by said commissioner, shall be invited to attend.

At meetings of the policy coordinating committee, and on a continuous basis:

a. The Commissioner of Human Services shall, at a minimum:

(1) Provide the Commissioners of Community Affairs and Health with such information consistent with federal law and regulations,

concerning the disbursement of Supplemental Security Income checks, under P.L.1973, c.256 (C.44:7-85 et seq.), as may be necessary to implement their duties under the provisions of this act and prevent fraud and improper payment, and work with the federal government to ensure close supervision of the disbursement of such checks; (2) Refer complaints concerning services and conditions at residential health care facilities, rooming houses and boarding houses to said commissioners, as appropriate; and (3) Render services to residents of such facilities through its several divisions and by means of its responsibilities delegated to county welfare boards;

b. The Commissioner of Community Affairs shall, at a minimum, solicit recommendations from the Commissioners of Human Services and Health on the preparation of standards for rooming and boarding houses, and when such recommendations are not adopted, inform said commissioners of the reasons therefor, notify said commissioners concerning any waiver, modification or postponement granted under the provisions of section 5 of this act, and inform said commissioners as quickly as possible of any such facilities that have relinquished their licenses or had their licenses revoked, and of any serious violations of standards for such facilities;

c. The Commissioner of Health shall, at a minimum, solicit recommendations from the Commissioners of Human Services and Community Affairs on the preparation of standards for residential health care facilities, and when such recommendations are not adopted, inform the commissioners of the reasons therefor, inform the commissioners as quickly as possible of any such facilities that have relinquished their licenses or had their licenses revoked, and of any serious violations of standards for such facilities; and

d. The Ombudsman for the Institutionalized Elderly shall, at a minimum, refer all complaints received concerning services and conditions at residential health care facilities, rooming and boarding houses to the Commissioners of Human Services, Community Affairs and Health.

47. Section 1 of P.L.1986, c.205 (C.30:1A-4) is amended to read as follows:

C.30:1A-4 Boarding Home Advisory Council.

1. a. There is established in, but not of, the Department of Human Services the New Jersey Boarding Home Advisory Council. The council shall consist of 14 members, to be appointed by

the Commissioner of Human Services in consultation with the Commissioners of Community Affairs and Health, the Public Defender, the Public Guardian for Elderly Adults and the Ombudsman for the Institutionalized Elderly, as follows: two persons who own or operate a boarding house as defined in P.L.1979, c.496 (C.55:13B-1 et al.); two persons who own or operate a residential health care facility as defined in section 1 of P.L.1953, c.212 (C.30:11A-1) or licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.); two persons who currently reside in a boarding house or a residential health care facility; one person who is a member of the organization which represents operators of boarding houses or residential health care facilities, or both; one person who represents the health care professions; one person who represents a county office on aging; one person who represents a municipal building code department; one person who represents an organization or agency which advocates for mentally ill persons in this State; one person who represents an organization or agency which advocates for physically disabled persons in this State; and two other members who shall be chosen from among persons whose work, knowledge or interest relates to boarding houses or residential health care facilities and the residents thereof, including but not limited to municipal and county elected officials, county prosecutors, social workers, and persons knowledgeable about fire prevention standards and measures needed to assure safety from structural, mechanical, plumbing and electrical deficiencies in boarding houses and residential health care facilities. In addition, the Chairman of the General Assembly Standing Reference Committee on Health and Human Resources and the Chairman of the Senate Standing Reference Committee on Institutions, Health and Welfare or their designees shall serve as ex officio members of the council.

b. The terms of office of each appointed member shall be three years, but of the members first appointed, two shall be appointed for terms of one year, five for terms of two years, and seven for terms of three years. All vacancies shall be filled for the balance of the unexpired term in the same manner as the original appointment. The members of the council shall not receive any compensation for their services, but shall be reimbursed for the actual and necessary expenses incurred in the performance of their duties as members of the council.

48. Section 4 of P.L.1979, c.105 (C.30:1AA-4) is amended to read as follows:

C.30:1AA-4 Qualifications of members.

4. The public members shall be representative of the diverse social, economic and geographical interests in the State, and shall include at least 15 persons who are consumers or representatives of consumers of services for persons with developmental disabilities. One public member shall be a representative of the private entity designated by the Governor as the State's protection and advocacy agency for persons with developmental disabilities pursuant to section 33 of P.L.1994, c.58 (C.52:27E-74). The State members shall be official representatives of State agencies responsible for the following programs: Special Education; Residential Services for Mentally Retarded Persons; Health Services for Crippled Children and for Maternal and Child Health; Comprehensive Health Planning; Medical Assistance; Higher Education; Community Affairs, Youth and Family Services; Public Welfare; Mental Health Services; Vocational Rehabilitation Services; and the Public Defender.

49. Section 10 of P.L.1985, c.133 (C.30:4-165.15) is amended to read as follows:

C.30:4-165.15 Modification, termination, review.

10. a. Whenever the commissioner believes that guardianship is no longer required or that another person should be appointed to serve as guardian, he shall apply to the Superior Court for an order modifying or terminating the letters of guardianship. Where someone other than the commissioner is serving as guardian, notice shall be provided to that person.

b. At least once every three years, the commissioner shall review the case of each person who receives functional or other services and who has a guardian.

c. The Public Defender, the incompetent person, or someone acting in his behalf may institute a similar action for judicial review at any time.

d. In cases where the commissioner serves as guardian, the Public Defender shall be given notice of any actions taken pursuant to subsection a. or b. of this section. The Public Defender shall be given an opportunity to meet the person subject to review and inspect the commissioner's records.

50. Section 3 of P.L.1976, c.120 (C.30:13-3) is amended to read as follows:

C.30:13-3 Responsibilities of nursing homes.

3. Every nursing home shall have the responsibility for:

a. Maintaining a complete record of all funds, personal property and possessions of a nursing home resident from any source whatsoever, which have been deposited for safekeeping with the nursing home for use by the resident. This record shall contain a listing of all deposits and withdrawals transacted, and these shall be substantiated by receipts given to the resident or his guardian. A nursing home shall provide to each resident or his guardian a quarterly statement which shall account for all of such resident's property on deposit at the beginning of the accounting period, all deposits and withdrawals transacted during the period, and the property on deposit at the end of the period. The resident or his guardian shall be allowed daily access to his property on deposit during specific periods established by the nursing home for such transactions at a reasonable hour. A nursing home may, at its own discretion, place a limitation as to dollar value and size of any personal property accepted for safekeeping.

b. Providing for the spiritual needs and wants of residents by notifying, at a resident's request, a clergyman of the resident's choice and allowing unlimited visits by such clergyman. Arrangements shall be made, at the resident's expense, for attendance at religious services of his choice when requested. No religious beliefs or practices, or any attendance at religious services, shall be imposed upon any resident.

c. Admitting only that number of residents for which it reasonably believes it can safely and adequately provide nursing care. Any applicant for admission to a nursing home who is denied such admission shall be given the reason for such denial in writing.

d. Ensuring that discrimination based upon age, race, religion, sex or nationality with respect to participation in recreational activities, meals or other social functions is prohibited. However, the participation of a resident in recreational activities, meals or other social functions may be restricted or prohibited if recommended by a resident's attending physician in writing and consented to by the resident.

e. Ensuring that no resident shall be subjected to physical restraints except upon written orders of an attending physician for a specific period of time when necessary to protect such resident

from injury to himself or others. Restraints shall not be employed for purposes of punishment or the convenience of any nursing home staff personnel. The confinement of a resident in a locked room shall be prohibited.

f. Ensuring that drugs and other medications shall not be employed for purposes of punishment, for convenience of any nursing home staff personnel or in such quantities so as to interfere with a resident's rehabilitation or his normal living activities.

g. Permitting citizens, with the consent of the resident being visited, legal services programs, employees of the Office of the Public Defender, employees of the private entity designated by the Governor as the State's mental health protection and advocacy agency pursuant to section 22 of P.L.1994, c.58 (C.52:27E-68), and employees and volunteers of the Office of the Nursing Home Ombudsman Program in the Department of Community Affairs, whose purposes include rendering assistance without charge to nursing home residents, full and free access to the nursing home in order to visit with and make personal, social and legal services available to all residents and to assist and advise residents in the assertion of their rights with respect to the nursing home, involved governmental agencies and the judicial system.

(1) Such access shall be permitted by the nursing home at a reasonable hour.

(2) Such access shall not substantially disrupt the provision of nursing and other care to residents in the nursing home.

(3) All persons entering a nursing home pursuant to this section shall promptly notify the person in charge of their presence. They shall, upon request, produce identification to substantiate their identity. No such person shall enter the immediate living area of any resident without first identifying himself and then receiving permission from the resident to enter. The rights of other residents present in the room shall be respected. A resident shall have the right to terminate a visit by a person having access to his living area pursuant to this section at any time. Any communication whatsoever between a resident and such person shall be confidential in nature, unless the resident authorizes the release of such communication in writing.

h. Ensuring compliance with all applicable State and Federal statutes and rules and regulations.

i. Ensuring that every resident, prior to or at the time of admission and during his stay, shall receive a written statement of the services provided by the nursing home, including those

required to be offered by the nursing home on an as-needed basis, and of related charges, including any charges for services not covered under Title XVIII and Title XIX of the Social Security Act, as amended, or not covered by the nursing home's basic per diem rate. This statement shall further include the payment, fee, deposit and refund policy of the nursing home.

51. Section 4 of P.L.1992, c.111 (C.30:4C-69) is amended to read as follows:

C.30:4C-69 Development of interdepartmental plan.

4. The Commissioner of Human Services shall develop an interdepartmental plan for the implementation of an individualized, appropriate child and family driven care system for children with special emotional needs and for the reduction of inappropriate use of out-of-home placements of these children. The plan shall first address children ready to be returned from institutions such as the Arthur Brisbane Child Treatment Center and other in-State and out-of-State residential facilities, and those at imminent risk of extended out-of-home placement. The commissioner shall consult with appropriate representatives from the State departments of Education, Corrections, Health, Community Affairs and the Office of the Public Defender, the private entity designated by the Governor as the State's mental health protection and advocacy agency pursuant to section 22 of P.L.1994, c.58 (C.52:27E-68), the Statewide Children's Coordinating Council in the Department of Human Services, the Administrative Office of the Courts, and Statewide family advocacy groups, in the development of the plan.

52. Section 2 of P.L.1985, c.363 (C.52:9Y-2) is amended to read as follows:

C.52:9Y-2 "New Jersey Commission on Legal and Ethical Problems in the Delivery of Health Care."

2. There is created a permanent commission to be known as the "New Jersey Commission on Legal and Ethical Problems in the Delivery of Health Care." The commission shall consist of 28 members to be appointed as follows: the Commissioner of the Department of Community Affairs, the Commissioner of the Department of Health, the Commissioner of the Department of Human Services, the Public Defender, the Ombudsman for the Institutionalized Elderly or their designees; a representative of the private entity designated by the Governor as the State's mental

health protection and advocacy agency pursuant to section 22 of P.L.1994, c.58 (C.52:27E-68), two members of the Senate, to be appointed by the President of the Senate, not more than one of whom shall be of the same political party; two members of the General Assembly, to be appointed by the Speaker of the General Assembly, not more than one of whom shall be of the same political party; nine public members, two to be appointed by the President of the Senate, two to be appointed by the Speaker of the General Assembly and five to be appointed by the Governor, who are distinguished in one or more of the fields of medicine, health care and health administration, law, ethics, theology, the natural sciences, the social sciences, the humanities, and public affairs.

In addition to the nine public members described above, there shall be on the commission five other public members who shall not be from health-related disciplines nor from the immediate families of persons in health-related disciplines. Of these five members, three shall be appointed by the Governor, one by the President of the Senate, and one by the Speaker of the General Assembly. In appointing these members an effort shall be made to insure that diverse viewpoints are represented on the commission.

Also on the commission shall be a representative of the New Jersey Hospital Association, a representative of the New Jersey State Nurses' Association, a representative of the New Jersey Association of Health Care Facilities and a representative of the New Jersey Association of Nonprofit Homes for the Aging, Inc. These representatives shall be selected by their organizations.

Members of the commission shall serve for three-year terms or until a successor is appointed. However, the term of every member initially appointed shall expire on December 31, 1988.

Vacancies in the membership of the commission shall be filled in the same manner as original appointments were made, and the term of any person reappointed or appointed to fill a vacancy shall only run for the balance of the three-year term that had commenced when the reappointment was made or the vacancy occurred. Members shall serve without compensation but shall be reimbursed for the reasonable travel and other out-of-pocket expenses incurred in the performance of their duties.

53. Section 1 of P.L.1974, c.55 (C.52:14-15.107) is amended to read as follows:

C.52:14-15.107 Departmental officers; annual salaries.

1. Notwithstanding the provisions of the annual appropriations act and section 7 of P.L.1974, c.55 (C.52:14-15.110), the Governor shall fix and establish the annual salaries for the following officers within the limits as follows:

Title	Salary Not to Exceed
Agriculture Department	
Secretary of Agriculture	\$115,000
Banking Department	
Commissioner of Banking	\$115,000
Commerce, Energy and Economic Development	
Department Commissioner of Commerce, Energy and Economic Development.....	\$115,000
Community Affairs Department	
Commissioner of Community Affairs	\$115,000
Corrections Department	
Commissioner of Corrections.....	\$115,000
Education Department	
Commissioner of Education	\$115,000
Environmental Protection Department	
Commissioner of Environmental Protection	\$115,000
Health Department	
Commissioner of Health	\$115,000
Higher Education Department	
Chancellor	\$115,000
Human Services Department	
Commissioner of Human Services	\$115,000
Insurance Department	
Commissioner of Insurance	\$115,000
Labor Department	
Commissioner of Labor	\$115,000
Law and Public Safety Department	
Attorney General	\$115,000
Military and Veterans' Affairs Department	
Adjutant General	\$115,000
Personnel Department	
Commissioner of Personnel	\$115,000
State Department	
Secretary of State	\$115,000
Transportation Department	
Commissioner of Transportation	\$115,000

Treasury Department

State Treasurer	\$115,000
Members, Board of Public Utilities	\$115,000

54. Section 2 of P.L.1989, c.330 (C.52:27D-29.31) is amended to read as follows:

C.52:27D-29.31 Interdepartmental Task Force on the Elderly established.

2. There is established in the Division on Aging in the Department of Community Affairs an Interdepartmental Task Force on the Elderly for the purpose of fostering communication among the various departments whose programs and policies affect senior citizens. The task force shall consist of 14 representatives of the following governmental entities: the Division on Aging and the Division on Women in the Department of Community Affairs; the Departments of Education, Health, Higher Education, Human Services, Insurance, Labor, Transportation and Treasury; the Office of the Public Defender; the Office of the Public Guardian; the Office of the Ombudsman for the Institutionalized Elderly; and the New Jersey Housing and Mortgage Finance Agency.

A chairman of the task force shall be elected from among the members. The task force shall meet at least monthly to conduct its work and at such other times as designated by the chairman.

55. Section 1 of P.L.1991, J.R.2 (C.52:9DD-1) is amended to read as follows:

C.52:9DD-1 Commission on Racism, Racial Violence and Religious Violence created.

1. There is created a 21-member Commission on Racism, Racial Violence and Religious Violence to be appointed as follows: two shall be members of the Senate appointed by the President thereof, who shall not be of the same political party; two shall be members of the General Assembly appointed by the Speaker thereof, who shall not be of the same political party; the Attorney General or his designee; the Public Defender or his designee; and 15 public members to be appointed by the Governor. The public members shall be representative of the ethnic, racial and religious diversity of the State's population and shall include representatives from the following groups: the National Association for the Advancement of Colored People, the Puerto Rican Congress, the Anti-Defamation League of B'Nai B'Rith, the New Jersey Black Issues Convention, the New Jersey Chapter of the National Rainbow Coalition, and the American Civil Liberties Union.

56. Section 12 of P.L.1980, c.125 (C.56:12-12) is amended to read as follows:

C.56:12-12 Injunctions; attorney fees and court costs.

12. The Office of the Attorney General, the Division of Consumer Affairs, the Commissioner of Insurance, in regard to contracts of insurance provided for in subsection c. of section 1 of this act (C.56:12-1), or any interested person may seek injunctive relief. The court may authorize reasonable attorney's fees, not to exceed \$2,500.00, and court costs in such a proceeding.

57. Section 1 of P.L.1981, c.347 (C.58:11-59) is amended to read as follows:

C.58:11-59 Failure to comply by small water companies.

1. Whenever any small water company is found, after notice and public hearing, to have failed to comply, within a specified time, with any order of the Department of Environmental Protection concerning the availability of water, the potability of water and the provision of water at adequate volume and pressure, which the department is authorized to enforce pursuant to Title 58 of the Revised Statutes, the department and the Board of Public Utilities shall, after notice to capable proximate public or private water companies, municipal utilities authorities established pursuant to P.L.1957, c.183 (C.40:14B-1 et seq.), municipalities or any other suitable governmental entities wherein the small water company provides service, conduct a joint public hearing to determine: the actions that may be taken and the expenditures that may be required, including acquisition costs, to make all improvements necessary to assure the availability of water, the potability of water and the provision thereof at adequate volume and pressure, including, but not necessarily limited to, the acquisition of the small water company by the most suitable public or private entity. As used in this act, "small water company" means any company, purveyor or entity, other than a governmental agency, that provides water for human consumption and which regularly serves less than 1,000 customer connections.

58. Section 5 of P.L.1985, c.37 (C.58:26-5) is amended to read as follows:

C.58:26-5 Notice of intention.

5. A contracting unit which intends to enter into a contract with a private vendor for the provision of water supply services pursuant to the provisions of this act shall notify, at least 60 days prior to issuing a request for qualifications from interested vendors pursuant to section 6 of this act, the division, the department and the Board of Public Utilities of its intention, and shall publish notice of its intention in at least one newspaper of general circulation in the jurisdiction which would be served under the terms of the proposed contract.

59. Section 11 of P.L.1985, c.37 (C.58:26-11) is amended to read as follows:

C.58:26-11 Proposed contract with vendors.

11. Upon designating the selected vendor or vendors pursuant to section 10 of this act, a contracting unit shall negotiate with the selected vendor or vendors a proposed contract, which shall include the accepted proposal and the provisions required pursuant to section 15 of this act. Upon negotiating a proposed contract, the contracting unit shall make the proposed contract available to the public at its main offices, and shall transmit a copy of the proposed contract to the division, the department and the Board of Public Utilities.

60. Section 12 of P.L.1985, c.37 (C.58:26-12) is amended to read as follows:

C.58:26-12 Public hearing.

12. a. A contracting unit shall conduct a public hearing or hearings on the charges, rates, or fees, or the formula for determining these charges, rates, or fees, and the other provisions contained in a proposed contract negotiated pursuant to section 11 of this act. The contracting unit shall provide at least 90 days' public notice of this public hearing to prospective consumers and other interested parties. This notice shall be published in at least one newspaper of general circulation in the jurisdiction to be served under the terms of the proposed contract. Within 45 days after giving notice of the public hearing, the contracting unit shall hold a meeting with prospective consumers and other interested parties to explain the terms and conditions of the proposed contract, and to receive written questions which will be part of the record of the public hearing. At the public hearing, the selected vendor or vendors shall be present, and the contracting unit shall

have the burden to answer the questions received at the meeting, and to show that the proposed contract complies with the provisions of section 15 of this act, and that it constitutes the best means of securing the required water supply services among available alternatives. The contracting unit shall provide that a verbatim record be kept of the public hearing, and that a written transcript of this record be printed and made available to the public within 30 days of the close of the public hearing. After the public hearing the contracting unit and the vendor may agree to make changes to the proposed contract, and shall transmit the proposed contract, a copy of the printed transcript of the public hearing, and a statement summarizing the major issues raised at the public hearing and the response of the contracting unit to these issues, to the division, the department, the Board of Public Utilities, and to all persons who attended the public hearing.

b. If the Division of Rate Counsel in the Department of the Public Advocate represents the public interest at a public hearing or hearings conducted pursuant to this section, the Division of Rate Counsel shall be entitled to assess the vendor for costs incurred in this representation in the manner provided in section 20 of P.L.1974, c.27 (C.52:27E-19). The basis of the assessment shall be the prospective first year's revenue realized by the vendor from the provision of the water supply services pursuant to the terms of the proposed contract.

c. If a contract awarded pursuant to the provisions of this act is renegotiated, the contracting unit shall conduct a public hearing on the renegotiated contract pursuant to the provisions of this section.

61. Section 5 of P.L.1985, c.72 (C.58:27-5) is amended to read as follows:

C.58:27-5 Notice of intent.

5. A contracting unit which intends to enter into a contract with a private vendor for the provision of wastewater treatment services pursuant to the provisions of this act shall notify, at least 60 days prior to issuing a request for qualifications from interested vendors pursuant to section 6 of this act, the division and the department of its intention, and shall publish notice of its intention in at least one newspaper of general circulation in the jurisdiction which would be served under the terms of the proposed contract.

62. Section 11 of P.L.1985, c.72 (C.58:27-11) is amended to read as follows:

C.58:27-11 Negotiation of proposed contract.

11. Upon designating the selected vendor or vendors pursuant to section 10 of this act, a contracting unit shall negotiate with the selected vendor or vendors a proposed contract, which shall include the accepted proposal and the provisions required pursuant to section 15 of this act. Upon negotiating a proposed contract, the contracting unit shall make the proposed contract available to the public at its main offices, and shall transmit a copy of the proposed contract to the division and the department.

63. Section 12 of P.L.1985, c.72 (C.58:27-12) is amended to read as follows:

C.58:27-12 Public hearing.

12. a. A contracting unit shall conduct a public hearing or hearings on the charges, rates, or fees, or the formula for determining these charges, rates, or fees, and the other provisions contained in a proposed contract negotiated pursuant to section 11 of this act. The contracting unit shall provide at least 90 days' public notice of this public hearing to prospective consumers and other interested parties. This notice shall be published in at least one newspaper of general circulation in the jurisdiction to be served under the terms of the proposed contract. Within 45 days after giving notice of the public hearing, the contracting unit shall hold a meeting with prospective consumers and other interested parties to explain the terms and conditions of the proposed contract, and to receive written questions which will be part of the record of the public hearing. At the public hearing, the selected vendor or vendors shall be present, and the contracting unit shall have the burden to answer the questions received at the meeting, and to show that the proposed contract complies with the provisions of section 15 of this act, and that it constitutes the best means of securing the required wastewater treatment services among available alternatives. The contracting unit shall provide that a verbatim record be kept of the public hearing, and that a written transcript of this record be printed and made available to the public within 45 days of the close of the public hearing. Written testimony received no more than 15 days after the public hearing shall be included in the written transcript. After the public hearing the contracting unit and the vendor may agree to make

changes to the proposed contract, and the contracting unit shall transmit the proposed contract, a copy of the printed transcript of the public hearing, and a statement summarizing the major issues raised at the public hearing and the response of the contracting unit to these issues, to the division and the department, and shall make copies available to any other person upon request.

b. If the Division of Rate Counsel in the Department of the Public Advocate represents the public interest at a public hearing or hearings conducted pursuant to this section, the Division of Rate Counsel shall be entitled to assess the vendor for costs incurred in this representation in the manner provided in section 20 of P.L.1974, c.27 (C.52:27E-19). The basis of the assessment shall be the prospective first year's revenue realized by the vendor from the provision of the wastewater treatment services pursuant to the terms of the proposed contract.

c. If a contract awarded pursuant to the provisions of this act is renegotiated, the contracting unit shall conduct a public hearing on the renegotiated contract pursuant to the provisions of this section.

64. N.J.S.59:1-3 is amended to read as follows:

Definitions.

59:1-3. Definitions. As used in this subtitle:

"Employee" includes an officer, employee, or servant, whether or not compensated or part-time, who is authorized to perform any act or service; provided, however, that the term does not include an independent contractor.

"Employment" includes office; position; employment; or service, under the supervision of the Palisades Interstate Park Commission, in a volunteer program in that part of the Palisades Interstate Park located in New Jersey.

"Enactment" includes a constitutional provision, statute, executive order, ordinance, resolution or regulation.

"Injury" means death, injury to a person, damage to or loss of property or any other injury that a person may suffer that would be actionable if inflicted by a private person.

"Law" includes enactments and also the decisional law applicable within this State as determined and declared from time to time by the courts of this State and of the United States.

"Public employee" means an employee of a public entity, and includes a person participating, under the supervision of the Palisades Interstate Park Commission, in a volunteer program in that part

of the Palisades Interstate Park located in New Jersey and any person retained by the public defender to serve as an arbitrator, mediator, or in such similar capacity. "Public employee" does not include any independent contractors or other individuals, agencies, or entities not established in or employed by the Office of the Public Defender designated to provide protection and advocacy services to indigent mental hospital admittees or persons with a developmental disability as the term is defined in section 3 of P.L.1977, c.82 (C.30:6D-3).

"Public entity" includes the State, and any county, municipality, district, public authority, public agency, and any other political subdivision or public body in the State. "Public entity" does not include any independent contractors or other individuals, agencies, or entities not established in or employed by the Office of the Public Defender designated to provide protection and advocacy services to indigent mental hospital admittees or persons with a developmental disability as the term is defined in section 3 of P.L.1977, c.82 (C.30:6D-3).

"State" shall mean the State and any office, department, division, bureau, board, commission or agency of the State, but shall not include any such entity which is statutorily authorized to sue and be sued. "State" also means the Palisades Interstate Park Commission, but only with respect to employees, property and activities within the State of New Jersey.

"Statute" means an act adopted by the Legislature of this State or by the Congress of the United States.

C.52:27E-76 Public Defender's actions.

65. Any action brought by the Public Defender or any persons authorized herein to institute or participate in actions before the courts or agencies of this State shall be brought in the name of the person serving as the Public Defender or in the name of an affected individual or group, but shall not be brought in the name of the State or the people thereof.

C.52:27E-77 Rights, terms preserved.

66. This act shall not:

- a. affect the tenure, compensation, and pension rights, if any, of the lawful holder thereof, in any position not specifically abolished herein, upon the effective date of P.L.1994, c.58 (C.52:27E-50 et al.);
- b. alter the term of any member of any board, commission, or public body, not specifically abolished herein, lawfully in office on the effective date of P.L.1994, c.58 (C.52:27E-50 et al.), or require the reappointment thereof.

C.52:27E-78 No new causes of action.

67. The provisions of P.L.1994, c.58 (C.52:27E-50 et al.) in and of themselves shall not be construed so as to create any new causes of action, or to authorize any suit against the Legislature or either House or the officers thereof.

C.52:27E-79 Supersedure of inconsistent law.

68. All acts and parts of acts inconsistent with any of the provisions of P.L.1994, c.58 (C.52:27E-50 et al.) are, to the extent of such inconsistency, superseded and repealed.

C.52:27E-80 Severability.

69. If any section, subsection, paragraph, sentence or other part of P.L.1994, c.58 (C.52:27E-50 et al.) is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of P.L.1994, c.58 (C.52:27E-50 et al.), but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of P.L.1994, c.58 (C.52:27E-50 et al.) directly involved in the controversy in which said judgment shall have been rendered.

Repealer.

70. The following are repealed:

Sections 1 through 8, sections 10 through 48 of P.L.1974, c. 27 (C.52:27E-1 through 52:27E-47);

Sections 1 through 5 of P.L.1981, c.444 (C.52:27E-41.1 through 52:27E-41.5);

Section 2 of P.L.1974, c.33 (C.2A:158A-5.1);

Section 17 of P.L.1976, c.141 (C.58:10-23.11p).

71. This act shall take effect on July 1, 1994 and sections 21, 29, 30, 31, 32 and 34 shall expire on September 30, 1994.

Approved June 29, 1994.

CHAPTER 59

AN ACT concerning extended unemployment compensation benefits and amending and supplementing P.L.1970, c.324.

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

1. Section 6 of P.L.1970, c. 324 (C.43:21-24.12) is amended to read as follows:

C.43:21-24.12 Effect of State law provisions relating to regular benefits on claims for, and the payment and charging of, extended benefits.

6. Except when the result would be inconsistent with other provisions of the "Extended Benefits Law," as provided in the regulations of the division, the provisions of the "unemployment compensation law" (R.S.43:21-1 et seq.) which apply to claims for, and the payment and charging of, regular benefits shall apply to claims for, and the payment and charging of, extended benefits, provided, however, that no employer's account shall be charged for the payment of any extended benefits with respect to any weeks commencing prior to July 1, 1971; and provided further, that 50% of any extended benefits paid with respect to weeks commencing on or after July 1, 1971 shall be charged to the appropriate employers' accounts.

C.43:21-24.20 Inapplicability of C.43:21-24.19.

2. The provisions of section 2 of P.L.1981, c.90 (C.43:21-24.19) shall not apply to weeks of unemployment beginning after March 6, 1993 and before January 1, 1995.

3. This act shall take effect immediately.

Approved June 29, 1994.

CHAPTER 60

AN ACT establishing and increasing certain fees imposed by and on behalf of the State and providing for the use of certain fees, amending and supplementing various parts of the statutory law.

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

C.30:4D-7f Access fees charged by fiscal agent; establishment; use.

1. Notwithstanding the provisions of the "New Jersey Medical Assistance and Health Services Act," P.L.1968, c.413 (C.30:4D-1 et seq.) or any other law to the contrary, an intermediary vendor under contract with the Division of Medical Assistance and Health Services' fiscal agent, which vendor has direct access to the Medical Assistance Eligibility System, shall be charged an access fee by

the fiscal agent. The Commissioner of Human Services shall, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) adopt regulations establishing the access fee.

Receipts from access fees in excess of development and operational costs incurred by the division's fiscal agent shall be appropriated annually to the division.

2. N.J.S.14A:15-2 is amended to read as follows:

Filing fees of the Secretary of State.

14A:15-2. On filing any certificate or other papers relative to corporations in the office of the Secretary of State, there shall be paid to the Secretary of State, filing fees as follows:

- (1) Certificate of incorporation and amendments thereto:
 - (a) for filing the original certificate of incorporation..... \$100.00
 - (b) for filing a certificate of amendment of the certificate of incorporation, including any number of amendments..... 50.00
 - (c) for filing a certificate of abandonment of one or more amendments of the certificate of incorporation..... 50.00
 - (d) for filing a certificate of merger or a certificate of consolidation 50.00
 - (e) for filing a certificate of abandonment of a merger or consolidation 50.00
- (2) Restated certificate of incorporation:
 - for filing a restated certificate of incorporation, including any amendments of the certificate of incorporation concurrently adopted..... 50.00
- (3) Dissolution of corporation:
 - (a) for filing a certificate of dissolution 50.00
 - (b) for filing a certificate of revocation of dissolution proceedings 50.00
- (4) Admission and withdrawal of foreign corporation:
 - (a) for filing an application for a certificate of authority to transact business in this State and issuing a certificate of authority 100.00
 - (b) for filing an application for an amended certificate of authority to transact business in this State and issuing an amended certificate of authority 50.00

(c) for filing an application for withdrawal from this State and issuing a certificate of withdrawal	50.00
(d) for filing a certificate of change of post-office address to which process may be mailed by the Secretary of State	25.00
(e) for filing a certificate, order or decree with respect to the dissolution of a foreign corporation, the termination of its existence, or the cancellation of its authority, and issuing a certificate of withdrawal	50.00
(5) Registered office and registered agent:	
(a) for filing a certificate of change of address of registered office, or change of registered agent, or both	10.00
(b) (i) for filing a certificate of change of address of registered agent, where such certificate effects a change in the address of the registered office of one to 499 corporations or of 500 or more corporations in cases where the filing information is not transmitted to the Secretary of State in a machine readable format agreeable to the Division of Commercial Recording, for each corporation named in the certificate	10.00
(ii) for filing a certificate of change of address of registered agent, where such certificate effects a change in the address of the registered office of 500 or more corporations in cases where the filing information is transmitted to the Secretary of State in a machine readable format agreeable to the Division of Commercial Recording	5,000.00
(iii) In addition to the fee imposed pursuant to subparagraph (ii) of this paragraph, the Secretary of State may assess an additional fee not to exceed those administrative costs associated with the technical transmission of the filing information.	
(c) for filing an affidavit of resignation of a registered agent	10.00
(6) Annual report:	
for each such report required to be filed	40.00
(7) Tax clearance certificate from the Director of the Division of Taxation: for each such certificate required to be filed	20.00

3. Section 65 of P.L.1983, c.489 (C.42:2A-68) is amended to read as follows:

C.42:2A-68 Filing fees of the Secretary of State.

65. Filing fees of the Secretary of State. On filing any certificate or other papers relative to limited partnerships in the office of the Secretary of State, there shall be paid to the Secretary of State, filing fees, in addition to any applicable recording fees:

- a. Filing an application to reserve
a specified limited partnership name and
issuing a certificate of reservation \$50.00
If application is for the first name available
for limited partnership use among not more
than three specified names \$50.00
- b. Filing a notice of transfer of a
reserved limited partnership name \$50.00
- c. Filing original certificate of
limited partnership \$100.00
- d. Filing a certificate of amendment to the
certificate of limited partnership, including
any number of amendments \$50.00
- e. Filing certificate of cancellation \$50.00
- f. Filing order or judgment amending certificate
of limited partnership or cancellation \$50.00
- g. Filing application by a foreign limited
partnership to transact business in this State
and issuing a certificate of authority \$100.00
- h. Filing application by a foreign limited
partnership for amended certificate to
transact business in this State and issuing
an amended certificate of authority \$50.00
- i. Filing annual report \$40.00
- j. Filing a certificate or registration
of an alternate name \$50.00
- k. Filing a renewal of registration of
alternate name..... \$50.00
- l. Limited partnership status reports--per
name..... \$5.00
- m. Filing a change of agent or office,
or both \$10.00
- n. All other certificates issued or papers filed
but not otherwise provided for..... \$15.00

- o. Issuing a standing certificate \$25.00
- p. Issuing a certificate or providing name
availability up to three names \$25.00
- q. Filing a certificate of correction \$50.00

4. Section 2 of P.L.1985, c.69 (C.53:1-20.6) is amended to read as follows:

C.53:1-20.6 Rules, regulations concerning dissemination of information; fees.

2. a. The Superintendent of State Police, with the approval of the Attorney General, shall, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and regulations authorizing the dissemination, by the State Bureau of Identification, of criminal history record background information requested by State, county and local government agencies, including the Division of State Police, in noncriminal matters, or requested by individuals, nongovernmental entities or other governmental entities whose access to such criminal history record background information is not prohibited by law. A fee not to exceed \$25 shall be imposed for processing fingerprint identification checks; a fee not to exceed \$15 shall be imposed for processing criminal history name search identification checks. These fees shall be in addition to any other fees required by law. In addition to any fee specified herein, a nonrefundable fee, the amount of which shall be determined by the Superintendent of State Police, with the approval of the Attorney General, shall be collected to cover the cost of securing and processing a federal criminal records check for each applicant.

b. State, county and local government agencies, including the Division of State Police, and nongovernmental entities are authorized to impose and collect the processing fee established pursuant to subsection a. of this section from the person for whom the criminal history record background check is being processed or from the party requesting the criminal history record background check. The Superintendent of State Police shall provide this processing service without the collection of fees from the applicants in processing background checks of prospective foster parents or members of their immediate families. In such cases, the Department of Human Services shall be responsible for paying the fees imposed pursuant to subsection a. of this section. Nothing in this section shall prohibit the Superintendent of State Police, with the approval of the Attorney General, from providing this processing service without the collection of fees from the applicant in other circumstances which in his sole discretion he deems

appropriate, if the applicants would not receive a wage or salary for the time and services they provide to an organization or who are considered volunteers. In those circumstances where the Superintendent of State Police, with the approval of the Attorney General, determines to provide this processing service without the collection of fees to the individual applicants, the superintendent may assess the fees for providing this service on behalf of the applicants to any department of State, county or municipal government which is responsible for operating or overseeing that volunteer program. The agencies shall transfer all moneys collected for the processing fee to the Division of State Police.

5. Section 3 of P.L.1985, c.69 (C.53:1-20.7) is amended to read as follows:

C.53:1-20.7 Criminal History Record Information Fund; use.

3. a. There is created in the Division of State Police in the Department of Law and Public Safety a separate special account to be known as the "Criminal History Record Information Fund." All moneys paid to the Division of State Police pursuant to section 2 of this act shall be deposited in the fund.

b. Moneys in the "Criminal History Record Information Fund" shall be used for the expenses of the State Bureau of Identification and for the expenses of the Department of Law and Public Safety related to processing criminal history record background checks submitted in noncriminal matters and, subject to the approval of the Director of the Division of Budget and Accounting, in the Department of the Treasury, for the purchase and equipping of new or replacement State Police vehicles. Any State Police vehicles purchased with funds from the "Criminal History Record Information Fund" pursuant to this section shall be utilized solely for patrol and pursuit purposes by state troopers, and shall not be assigned to any State Police employee for personal or administrative use.

C.51:1-54.2 Weighing and measuring devices; registration and inspection.

6. a. All weighing and measuring devices located within the State and operated or used for commercial purposes shall be registered with the State superintendent.

b. An applicant for registration shall submit an application on a form provided by the State superintendent and pay the appropriate registration and inspection fee established pursuant to section 7 of P.L.1994, c.60 (C.51:1-54.3) to the State superintendent.

c. A weighing and measuring device registration shall expire one year from the effective date of the registration.

d. A registration may be renewed annually for an additional one year term upon submission of a properly completed renewal application on a form provided by the State superintendent and payment of the registration fee established pursuant to section 7 of P.L.1994, c.60 (C.51:1-54.3).

e. A registration seal shall be issued by the State superintendent for each weighing and measuring device registered in the State and shall be affixed to the instrument or device.

f. Notification shall be provided to the State superintendent if a weighing and measuring device, located within this State, is sold, transferred or moved to a new location.

C.51:1-54.3 Fees; amounts, schedule; use.

7. a. The State superintendent shall establish a fee schedule, including the imposition of late charges when appropriate, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), for the regulation of weighing and measuring devices under Title 51 of the Revised Statutes for which fees are not otherwise established by law.

b. The fees established under subsection a. of this section shall be sufficient to fully defray the cost of regulating weighing and measuring devices pursuant to Title 51 of the Revised Statutes provided however, the fee charged for scales which measure weights of less than 1,000 pounds shall not exceed \$25 per scale and the fee charged for fuel pump dispensers shall not exceed \$25 per hose, or \$200 per commercial location using the scale or dispenser, whichever is less, and provided further, the fee charged for retail vehicle tank meters shall not exceed \$50 per meter.

c. The fees established under subsection a. of this section shall be deposited into the "Weights and Measures Fund" created pursuant to section 8 of P.L.1994, c.60 (C.51:1-54.4) for the purpose of fully defraying the cost of regulating weighing and measuring devices pursuant to Title 51 of the Revised Statutes.

C.51:1-54.4 Weights and Measures Fund.

8. a. There is established the "Weights and Measures Fund" as a non-lapsing revolving fund in the Department of Law and Public Safety into which shall be deposited all fees and penalties collected by the State superintendent under Title 51 of the Revised Statutes.

b. The fund shall be administered by the State superintendent and shall be used to pay all expenses incurred by the State superintendent in connection with the regulation of weighing and measuring devices pursuant to Title 51 of the Revised Statutes.

c. All counties and municipalities which have established departments of weights and measures pursuant to R.S.51:1-42 et seq. shall be eligible to receive reimbursement from the fund established under this section for an amount certified by the State superintendent to be sufficient to defray all or part of the costs incurred in connection with the regulation of weighing and measuring devices pursuant to Title 51 of the Revised Statutes. Reimbursement shall be for an amount of up to the full cost incurred by the county or municipal department.

9. R.S.51:1-72 is amended to read as follows:

Annual report.

51:1-72. The State superintendent shall within 30 days after the last day of the State fiscal year make a report to the Legislature which shall contain any recommendations or suggestions deemed necessary or desirable and a digest of the reports of the municipal and county superintendents.

10. R.S.51:1-74 is amended to read as follows:

Term; certificate of appointment; fee; use.

51:1-74. All public weighmasters and certified weighers shall be appointed by the State Superintendent of Weights and Measures for the term of three years. The State superintendent shall issue a certificate of such appointment and shall keep a record thereof. Upon appointment or any renewal thereof a fee of \$150 shall be paid to the State superintendent and by him paid to the State Treasurer for deposit into the "Weights and Measures Fund" created pursuant to section 8 of P.L.1994, c.60 (C.51:1-54.4).

The State superintendent may on request of a State officer, commission, board, institution or agency of the State Government and without payment of any fee designate and appoint an officer or employee of any such officer, commission, board, institution or agency as weighmaster and issue to him a weighmaster's certificate.

11. R.S.51:1-84 is amended to read as follows:

Testing and sealing of all weights and measures; fee collection.

51:1-84. a. All weights and measures used in trade shall be tested and sealed at least once in each year. Any superintendent shall also upon the request of any citizen, corporation, firm or other interested party cause a test to be made of any weight or measure. If it be found

correct or be made correct the superintendent or assistant superintendent shall properly seal it. He shall cause it to conform as nearly as possible to the standard before sealing. If it shall not be found correct, or it shall not be possible to make it correct, it shall not be used, but shall be disposed of as hereinafter provided in this article.

b. The State superintendent shall charge and collect a fee for the testing of a weight or measure. Such fee shall be established pursuant to section 7 of P.L.1994, c.60 (C.51:1-54.3).

12. Section 16 of P.L.1938, c.182 (C.51:1-128) is amended to read as follows:

C.51:1-128 Fees; use.

16. Every person who maintains or carries on the business of selling, trading in, receiving, or engaging in the repairing of condemned, rebuilt, or used weighing and measuring devices shall pay a license fee of \$150 per annum. Every person engaging only in the repairing of weighing and measuring devices shall pay a fee of \$20 per annum. These fees shall be paid to the State Superintendent of Weights and Measures, and by this officer shall be turned over to the State Treasurer for deposit into the "Weights and Measures Fund" created pursuant to section 8 of P.L.1994, c.60 (C.51:1-54.4).

13. Section 4 of P.L.1968, c.222 (C.51:4-26) is amended to read as follows:

C.51:4-26 License; application, fee, expiration.

4. Applications for a license shall be made upon forms prescribed and furnished by the superintendent and shall list the places of business of the dealer. The fee for a dealer's license shall be \$100. Such license shall expire one year after date of issuance.

14. Section 23 of P.L.1975, c.180 (C.39:3-10a) is amended to read as follows:

C.39:3-10a Fee for restoration of suspended or revoked licenses, vehicle registrations.

23. The Director of Motor Vehicles shall charge a fee of \$50 for the restoration of any license which has been suspended or revoked by reason of the licensee's violation of any law or regulation and for the restoration of vehicle registrations that have been suspended pursuant to any law. The director may promulgate such regulations hereunder as he may deem necessary.

15. Section 2 of P.L.1979, c.261 (C.39:3-10g) is amended to read as follows:

C.39:3-10g Color photograph; rules, regulations, fee.

2. The director is authorized, empowered and directed to promulgate rules and regulations governing the size, type and other essential characteristics of the color photograph and its affixation to the driver's license. The fee for such photograph shall be \$2 for each license or renewal thereof, or amended license and shall be in addition to the fee presently authorized for the issuance of a driver's license pursuant to R.S.39:3-10.

16. R.S.39:3-24 is amended to read as follows:

Farm tractors, traction equipment; registration; operation; fee.

39:3-24. (a) The director shall register farm tractors and traction equipment used for farm operation to travel upon the public highways. The fee for such registration shall be \$5 per annum, whether the registration is issued for the yearly period or only a portion thereof. Such traction equipment or farm tractors may draw farm machinery and implements while in transit from one farm to another without additional registration therefor.

(b) The director may register motor vehicles, not for hire, used exclusively as farm machinery or farm implements, to travel upon the public highways, from one farm, or portion thereof, to another farm, or portion thereof, both owned or managed by the registered owner of the vehicle or vehicles. The fee for such registration shall be \$5 per annum, whether the registration is issued for a yearly period or only a portion thereof. Any vehicle so registered and any truck registered pursuant to the provisions of 39:3-25 of this Title may draw not more than one vehicle used exclusively on the farm and a vehicle so drawn need not be registered.

(c) No vehicle registered pursuant to this section shall be operated on a public highway at any time from sunset to sunrise. Every such vehicle when operated on a public highway shall have means adequate to control the movement of and to stop and hold such vehicle on any up or down grade and shall be operated in accordance with uniform rules and regulations prescribed by the Director of the Division of Motor Vehicles. Such rules and regulations shall specify the coverings that may be used on the wheels of such vehicles, the days, hours and conditions under which such vehicles can be operated, the circumstance under which escort vehicles shall be required, the distance that may be traveled upon the public highways and such

vehicle equipment or other requirements or restrictions as may be necessary to protect the safety of the users of the public highways.

17. R.S.39:3-28 is amended to read as follows:

Licenses and registrations indexed; certified copies of applications as evidence; fees; destruction of applications and copies.

39:3-28. The director shall cause all applications for registration and drivers' licenses to be alphabetically indexed, and any original application or copy thereof, whether made by photography, micrograph or otherwise, certified to be a true copy under the hand of the director shall be received as evidence in any court to prove the facts contained therein. For each uncertified copy so issued the director shall collect a fee of \$8 and for each certified copy so issued the director shall collect a fee of \$10.

The director may destroy all records of registration certificates or drivers' licenses and their alphabetical indices when such registrations or drivers' licenses applicable thereto have expired, after having made copies of such records by means of photography, micrograph or otherwise. Such copies made by photography, micrograph or otherwise may be destroyed when they have been on file in the office of the director for a period of three years, or more.

18. R.S.39:3-31 is amended to read as follows:

Duplicate certificates; licenses; fees.

39:3-31. The director, upon presentation of a statement duly sworn to, stating that the original registration certificate or original motorized bicycle registration certificate has been destroyed, lost or stolen, may, if he is satisfied that the facts as set forth in the statement are substantially true, issue a duplicate or amended registration certificate or motorized bicycle registration certificate to the original holder thereof, upon the payment to the director of a fee of \$5 for each duplicate or amended registration certificate or motorized bicycle registration certificate so issued.

The director, upon presentation of a statement, duly sworn to, stating that the original driver's license has been destroyed, lost or stolen, may, if he is satisfied that the facts as set forth in the statement are substantially true, issue a duplicate driver's license to the original holder thereof, upon payment to the director of a fee of \$3 for each duplicate driver's license so issued.

19. Section 1 of P.L.1961, c.77 (C.39:3-31.1) is amended to read as follows:

C.39:3-31.1 Duplicate family registration; fee.

1. The Director of the Division of Motor Vehicles, upon presentation of a statement by the holder of an original registration certificate that he requires a duplicate registration certificate for use by members of his family, shall issue a duplicate original registration certificate to the holder of the original registration certificate upon the payment to the director of a fee of \$5.

Any such duplicate original registration certificate may be used in the same manner and for the same purpose as the original registration certificate but may be used only by the holder of the original registration certificate or a member of his family. Any reference to the original registration certificate in the chapter to which this act is supplementary or in Title 39 of the Revised Statutes as amended and supplemented shall be deemed to include any and all duplicate original registration certificates issued pursuant to this act and, in the event that the holder of the original registration certificate shall be required to surrender the same by virtue of the provisions of any law, he shall also be required to surrender the duplicate original registration certificate if he shall have had such duplicate original registration certificate issued to him. The said director shall make and promulgate such rules and regulations as may be necessary to effectuate the purposes of this act.

This section shall also apply to registration certificates for motorized bicycles.

20. R.S.39:3-32 is amended to read as follows:

Replacement of lost, destroyed or defaced license plates; reissuance of surrendered plates; fees.

39:3-32. If one or both license plates or one or both inserts are lost, destroyed, or so defaced that the numbers thereon are illegible, the owner of the motor vehicle for which the same were issued shall apply to the director or his representative for new plates or inserts within 24 hours of the discovery of such loss, destruction, or defacement. The application shall be made upon a form furnished by the division, on which the loss, defacement or destruction of the plate or plates, insert or inserts shall be set forth. The application, except as hereinafter provided, shall be accompanied by a fee fixed by the director, the amount of which fee shall equal, as nearly as possible, the cost to the division of replacing the plates or inserts. Thereupon the division may cancel the original registration and shall issue to

the applicant new plates or new inserts, as the case may be, and a new registration certificate, if necessary.

Every replacement by reason of defacement shall be by a license plate or plates of the same identifying characters as those on the plate or plates replaced.

When a person has surrendered license plates to the director pursuant to any law or regulation, the director may charge a fee under this section for the reissuance of the plates surrendered or the issuance of new plates, as determined by the director, in an amount set by regulation but equal, as nearly as possible, to the cost incurred by the division in reissuing or replacing the plates.

21. Section 2 of P.L.1959, c.56 (C.39:3-33.4) is amended to read as follows:

C.39:3-33.4 Fees for courtesy and personalized plates.

2. The director is authorized to charge an additional fee for the issuance of such particular identifying mark in such amount as he may fix from time to time but not in excess of \$30 for identifying marks defined by the director to be courtesy marks, and not in excess of \$100 for identifying marks defined by the director to be personalized marks, and the amount of such fee shall accompany the application.

22. Section 3 of P.L.1973, c.307 (C.39:3C-3) is amended to read as follows:

C.39:3C-3 Registration required; fees.

3. Except as otherwise provided, no snowmobile or all-terrain vehicle shall be operated or permitted to be operated on or across a public highway or on public lands or waters of this State unless registered by the owner thereof as provided by this act. The Director of the Division of Motor Vehicles in the Department of Law and Public Safety is authorized to register and assign a registration number to snowmobiles and all-terrain vehicles, upon application and payment of the appropriate fee in accordance with the following schedule:

a. For each individual resident snowmobile registration, \$5.00, and for each individual resident all-terrain vehicle registration, \$10.00, annually;

b. For each individual nonresident snowmobile registration, \$7.00, and for each individual nonresident all-terrain vehicle registration, \$12.00, annually;

c. For replacement of a lost, mutilated or destroyed certificate, \$5;

- d. For a duplicate registration, \$5 at the time of issuance;
- e. For an amended registration, \$5.

All such registrations shall be issued on or after September 1 in any year and shall be valid through September 30 of the following year, except that the director may suspend or revoke such registration for any violations of this act or of the rules promulgated hereunder.

23. Section 10 of P.L.1983, c.105 (C.39:4-14.3j) is amended to read as follows:

C.39:4-14.3j Form for sale of motorized bicycles; registration; fees.

10. At the time of original sale of a motorized bicycle in this State, a motorized bicycle dealer shall complete a form, of a kind to be approved by the director, which shall contain the following information:

- a. The year of manufacture, make, model, color, and unladen weight of the motorized bicycle;
- b. The United States Department of Transportation head tag serial number of the motorized bicycle;
- c. The name, street address, and age of the purchaser of the motorized bicycle;
- d. The business name and address of the motorized bicycle dealer from whom the bicycle was purchased;
- e. The amount of New Jersey sales tax collected by the dealer;
- f. The motorized bicycle dealer's New Jersey sales tax authorization number;
- g. Signatures of both the motorized bicycle dealer and the purchaser;
- h. The month, day and year of sale;
- i. The name of the insurer of the motorized bicycle and the policy number;
- j. Any other information required by the director.

The dealer shall retain one copy of the form and present the other two to the purchaser. The form shall constitute temporary registration for the vehicle for a period of 20 days from the date of purchase; provided, however, that the purchaser shall comply with all other laws, rules and regulations regarding operation of motorized bicycles.

The dealer shall issue the purchaser temporary license plates to be displayed on the motorized bicycle until permanent registration is completed and a motorized bicycle license plate is issued.

Within 20 days the purchaser shall present one copy of the form to the Division of Motor Vehicles, together with any additional infor-

mation which the director may require, pay the requisite fee and register the motorized bicycle in the manner provided in this act.

The fee for the initial registration of a motorized bicycle by a given owner shall be \$8.00. The yearly fee for each renewal of registration shall be \$8.

24. Section 1 of P.L.1972, c.38 (C.39:5-30.4) is amended to read as follows:

C.39:5-30.4 Driver Improvement Program; fee.

1. Persons attending a Division of Motor Vehicles Driver Improvement Program shall pay such fee therefor not to exceed \$100, as prescribed in regulations promulgated by the director. The driver's license of any person failing to pay the prescribed fee shall be subject to suspension or revocation.

25. Section 20 of P.L.1952, c.173 (C.39:6-42) is amended to read as follows:

C.39:6-42 Certified abstract of operating record; fees.

20. Upon the request of any insurance company, any person furnishing any financial responsibility or any surety on a bond herein provided for, the director shall furnish such company person or surety a certified abstract of the operating record of any person subject to the provisions of this act. If there is no record of his conviction of a violation of a provision of law relating to the operation of motor vehicles or of an injury or damage caused by him as herein provided, the director shall so certify. The director shall collect a fee of \$10 for each certified or uncertified abstract so issued, but may, in the director's discretion, establish by regulation a lesser fee of not less than \$2 per abstract when, due to the number of abstracts requested and the division's ability to comply with the request by providing computerized data rather than individual documents, the processing of the request will result in lower costs per abstract to the division. The director shall use the same schedule of fees established above for abstracts requested by persons authorized by law to receive them.

26. R.S.39:10-11 is amended to read as follows:

Certificate of ownership; fees.

39:10-11. A. The purchaser of a motor vehicle in this State, other than a dealer licensed pursuant to the provisions of R.S.39:10-19, shall, within 10 working days after its purchase,

submit to the director evidence of the purchase. Upon presentation to the director of the certificate of origin, or certificate of ownership, or bill of sale issued prior to October 1, 1946, with proper assignment and certification of the seller, a record of the transaction shall be made and filed. A certificate of ownership shall be issued by the director and delivered to the buyer, in case of a sale not subject to a security interest, and the director shall collect a fee of \$20 for the issuance and filing thereof.

B. In the case of a sale subject to a security interest, a certificate of ownership, with the name and address of the holder of the encumbrance or secured party or his assignee recorded thereon, shall be delivered to the holder of the encumbrance or secured party or his assignee and a copy thereof shall be delivered to the buyer. The director shall collect a fee of \$30 for his services in issuing a certificate and copy thereof, and for making a record of and filing the record of the transaction, pursuant to this subsection.

C. Except as hereinafter in this section otherwise expressly provided, whenever a security interest is created in a motor vehicle, other than a security interest which is required to be noted on the certificate of origin or the certificate of ownership, as provided in R.S.39:10-8 and R.S.39:10-9, there shall be filed with the director the certificate of ownership of the motor vehicle, together with a financing statement on a form prescribed by the director. The director shall make and file a record of the transaction and shall issue a certificate of ownership, recording the name and address of the secured party or his assignee thereon, and shall deliver it to the secured party or his assignee. A copy of the certificate of ownership so issued shall be delivered to the buyer. The director shall collect a fee of \$20 for his services in issuing a certificate and copy thereof and for making a record of and filing the record of the transaction, pursuant to this subsection.

D. The financing statement required to be filed pursuant to subsection C. hereof shall be signed only by the buyer, shall not be required to be acknowledged or proved, and shall show, in addition to such matters as the director may require for the proper identification of the motor vehicle affected, the date of the security agreement, and the names and addresses of the parties thereto. Nothing in this section 39:10-11 contained shall be construed as requiring that the security agreement or a copy thereof, or any proof of execution thereof other than that contained in the financing statement, shall be presented to the director. When the buyer is a corporation, it shall be sufficient if the financing state-

ment is signed by any officer thereof, or by any agent designated by the corporation for that purpose, and it shall not be necessary that the financing statement recite the authorization of the agent. When there is more than one buyer, it shall be sufficient if the financing statement is signed by any one of them.

E. Nothing in subsections C. and D. of this section shall apply to security interests in motor vehicles which constitute inventory held for sale, but such interests shall be subject to chapter 9 of Title 12A of the New Jersey Statutes, nor shall anything in the said subsections apply to interests in personal property subject to chapter 28 of Title 46 of the Revised Statutes.

F. In addition to the fees elsewhere in this section provided for, there shall be paid to the director at the time a certificate of ownership is issued a fee of \$10 for notice of satisfaction of the lien or encumbrance of the record or abstract, or of the termination of the security interest, where the motor vehicle is subject to a lien or encumbrance or a security interest as provided in R.S.39:10-14.

G. Notwithstanding any other provision of this chapter, when any dealer licensed under the provisions of R.S.39:10-19 is the purchaser of a motor vehicle in this State, he may, within 10 working days after its purchase, submit to the director the evidence of purchase. Upon presentation of the certificate of ownership with proper assignment and certification of the seller to the director, a record of the transaction shall be made and filed. A certificate of ownership shall be issued by the director and delivered to such purchaser, and the director shall collect a fee of \$10 for the issuing and filing thereof.

If a dealer does not submit the evidence of purchase, upon resale of the motor vehicle he shall execute and attach to the certificate of ownership a dealer reassignment certificate. The director shall issue dealer reassignment certificates in lots upon payment of a fee of \$10 for each certificate.

H. Any purchaser of a motor vehicle who fails to comply with the provisions of this section shall pay to the director a penalty of \$25 plus the issuing and filing fee.

I. The failure of any person to comply with the requirements of this section shall not constitute a misdemeanor within the provisions of R.S.39:10-24, nor shall such failure affect the validity of any instrument creating or reserving a security interest in a motor vehicle, as between the parties to such instrument.

J. The notation of the name and business or residence address of a secured party or his assignee, on the certificate of origin or on the certificate of ownership, as provided in R.S.39:10-8 and

R.S.39:10-9, and the presentation to the director, in accordance with R.S.39:10-11, of the certificate of origin or certificate of ownership so noted, and the compliance with the requirements of subsections C. and D. of R.S.39:10-11 shall be in lieu of all filing requirements imposed by chapter 9 of Title 12A of the New Jersey Statutes and shall constitute the perfection of a security interest in the motor vehicle, and the rights and remedies of the debtors and the secured parties in respect to such security interest shall, except as otherwise expressly provided in this chapter, be subject to and governed by chapter 9 of Title 12A of the New Jersey Statutes.

27. R.S.39:10-12 is amended to read as follows:

Lost papers, duplicate certificate; fees; false statements in application.

39:10-12. If certificate of ownership, or title papers, are lost, the director may, upon proof of certification or otherwise in the manner required by him and if satisfied of the bona fides of the application, prepare a certificate of ownership, certify it and authorize its use in place of the original, with the same effect as the original. The director shall collect a fee of \$25 for this duplicate certificate.

A person who falsely states, in any application to the director for a duplicate certificate of ownership, that a certificate of ownership, or title papers, are lost, shall be subject to a fine of not less than \$200.00 nor more than \$500.00 or imprisonment for a term not exceeding 30 days or both.

28. R.S.39:10-16 is amended to read as follows:

Defective or improper title papers; procedure to correct; fee.

39:10-16. If the title papers or certificate of ownership are defective or improper, or if the motor vehicle was purchased and its sale consummated in another state or country, in accordance with the laws of such state or country regulating the sale of motor vehicles, and not made for the purpose of evading the provisions of this chapter, the bona fide owner of the motor vehicle may apply to the director to correct the defects, or permit the title papers to be received.

The director shall, upon such proof as he requires showing that it is just and equitable that the defects be corrected or that the title papers or certificate of ownership be received, with or without hearing, determine the truth and merits of the application and whether the holder appears to be the bona fide owner of the motor vehicle, and may issue his certificate correcting the defects or permitting the title papers or certificate of ownership to be so recorded

and filed. The person submitting the papers shall pay to the director a fee of \$20 for the issuing and filing of the certificate.

Before issuing the certificate the director may, in his discretion, require the person to advertise in a newspaper having a general circulation in the county where he resides, for the space of two weeks, at least once a week, making three insertions in all, a notice briefly stating that the person has applied to the director to correct defects in the motor vehicle title papers or to receive the title papers out of time, or, as the case may be, giving a description of the motor vehicle as provided in R.S.39:10-8, and that if anyone desires to be heard in opposition thereto, he may do so by appearing before the director on a date and at a place named, or communicating with him prior thereto. He shall also serve like notice on local police, State Police and any other person or agency, as prescribed by the director, personally or by registered mail. Proofs of the publication and service shall be submitted to the director. The director or his agent may have the notice advertised or served at the cost and expense of that person.

29. Section 2 of P.L.1951, c.216 (C.39:12-2) is amended to read as follows:

C.39:12-2 License required; fee; exemptions; replacement of lost licenses.

2. No person shall engage in the business of conducting a drivers' school without being licensed therefor by the Director of Motor Vehicles. Application therefor shall be in writing and contain such information therein as he shall require. If the application is approved, the applicant shall be granted a license upon the payment of a fee of \$250.00; provided, however, no license fee shall be charged for the issuance of a license to any board of education, school board, public, private or parochial school, which conducts a course in driver education, approved by the State Department of Education. A license so issued shall be valid during the calendar year. The annual fee for renewal shall be \$200. The director shall issue a license certificate or license certificates to each licensee, one of which shall be displayed in each place of business of the licensee.

In case of the loss, mutilation or destruction of a certificate, the director shall issue a duplicate upon proof of the facts and the payment of a fee of \$5.

30. Section 5 of P.L.1951, c.216 (C.39:12-5) is amended to read as follows:

C.39:12-5 Instructor's license; motorcycle endorsement; fees.

5. No person shall be employed by any such licensee to give instruction in driving a motor vehicle unless he shall be licensed to act as such instructor by the director. No person shall be employed by such licensee to instruct a motorcycle safety education course as established pursuant to section 1 of P.L.1991, c.452 (C.27:5F-36) unless he has received from the director a motorcycle safety education instructor endorsement to his instructor's license. The director shall issue a motorcycle safety education instructor endorsement to an instructor's license if the person meets the requirements set forth in section 2 of P.L.1991, c.452 (C.27:5F-37).

Application for an instructor's license or for a motorcycle safety education instructor endorsement to an instructor's license shall be in writing and shall contain such information as the director shall require.

The initial fee for an instructor's license shall be \$75.00 and a fee for an annual renewal thereof shall be \$50. No additional fee shall be charged by the director for a motorcycle safety education instructor endorsement. The license so issued shall be valid for the calendar year within which it is issued, and renewals shall be for succeeding calendar years.

C.39:5-36.1 Fee for dishonored check or payment.

31. The Director of the Division of Motor Vehicles shall collect a \$25 fee from a person who issues or passes to the division a check, or similar sight order for the payment of money, which is not honored by the drawee. This fee shall be in addition to all other fees owed by the person to the division. The amount sought to be satisfied by such dishonored check, or similar sight order for the payment of money, shall not be deemed paid until such amount and the fee required under this section are paid. This section shall be applicable to any check or similar sight order for the payment of money, made to the division.

32. R.S.39:3-20 is amended to read as follows:

Commercial motor vehicle registrations; fees.

39:3-20. For the purpose of this act, gross weight means the weight of the vehicle or combination of vehicles, including load or contents.

a. The director is authorized to issue registrations for commercial motor vehicles other than omnibuses or motor-drawn vehicles upon application therefor and payment of a fee based on the gross weight of the vehicle, including the gross weight of all vehicles in any combination of vehicles of which the commercial motor vehicle is the drawing vehicle. The gross weight of a disabled commercial vehicle or combination of disabled commercial vehicles being removed from a highway shall not be included in the calculation of the registration fee for the drawing vehicle.

Except as otherwise provided in this subsection, every registration for a commercial motor vehicle other than an omnibus or motor-drawn vehicle shall expire and the certificate thereof shall become void on the last day of the eleventh calendar month following the month in which the certificate was issued. The minimum registration fee for registrations issued after July 1, 1984 shall be as follows:

For vehicles not in excess of 5,000 pounds, \$53.50.

For vehicles in excess of 5,000 pounds and not in excess of 18,000 pounds, \$53.50 plus \$8.50 for each 1,000 pounds or portion thereof in excess of 5,000 pounds.

For vehicles in excess of 18,000 pounds and not in excess of 50,000 pounds, \$53.50 plus \$9.50 for each 1,000 pounds or portion thereof in excess of 5,000 pounds.

For vehicles in excess of 50,000 pounds, \$53.50 plus \$10.50 for each 1,000 pounds or portion thereof in excess of 5,000 pounds.

Commercial motor vehicles other than omnibuses or motor-drawn vehicles for which commercial motor vehicle registrations had been issued prior to the effective date of this act and which expire March 31, 1982 shall be issued commercial registrations, which, in the director's discretion, shall expire on a date to be fixed by him, which date shall not be sooner than four months nor later than 16 months following the date of issuance of the registration. The fees for such registrations shall be fixed by the director in amounts proportionately less or greater than the fees established by this subsection.

b. The director is also authorized to issue registrations for commercial motor vehicles having three or more axles and a gross weight over 40,000 pounds but not exceeding 70,000 pounds, upon application therefor and proof to the satisfaction of the director that the applicant is actually engaged in construction work or in the business of supplying material, transporting material, or using such registered vehicle for construction work.

Except as otherwise provided in this subsection, every registration for these commercial motor vehicles shall expire and the certificate thereof shall become void on the last day of the eleventh calendar month following the month in which the certificate was issued.

The registration fee for registrations issued after July 1, 1984 shall be \$19.50 for each 1,000 pounds or portion thereof.

For purposes of calculating this fee, weight means the gross weight, including the gross weight of all vehicles in any combination of which such commercial motor vehicle is the drawing vehicle. "Constructor" registrations issued prior to the effective date of this act, which expire June 30, 1982, shall be issued contractor vehicle registrations, which, in the director's discretion, shall expire on a date to be fixed by him, which date shall not be sooner than four months nor later than 16 months following the date of issuance of the registration. The fees for the registrations shall be fixed by the director in amounts proportionately less or greater than the fees established by this subsection.

Such commercial motor vehicle shall be operated in compliance with the speed limitations of Title 39 of the Revised Statutes and shall not be operated at a speed greater than 30 miles per hour when one or more of its axles has a load which exceeds the limitations prescribed in R.S.39:3-84.

c. The director is also authorized to issue registrations for each of the following solid waste vehicles: two-axle vehicles having a gross weight not exceeding 42,000 pounds; tandem three-axle and four-axle vehicles having a gross weight not exceeding 60,000 pounds; four-axle tractor-trailer combination vehicles having a gross weight not exceeding 60,000 pounds. Registration is based upon application to the director and proof to his satisfaction that the applicant is actually engaged in the performance of solid waste disposal or collection functions and holds a certificate of convenience and necessity therefor issued by the Board of Public Utilities.

Except as otherwise provided in this subsection, every registration for a solid waste vehicle shall expire and the certificate thereof shall become void on the last day of the eleventh calendar month following the month in which the certificate was issued.

The registration fee shall be \$50.00 plus \$8.50 for each 1,000 pounds or portion thereof in excess of 5,000 pounds.

Solid waste vehicles for which commercial motor vehicle registrations had been issued prior to the effective date of this act and which shall expire June 30, 1982 shall be issued solid waste registrations, which, in the director's discretion, shall expire on a date to be fixed by

him, which date shall not be sooner than four months or later than 16 months following the date of issuance of the registration. The fees for the registrations shall be fixed by the director in amounts proportionately less or greater than the fees established by this subsection.

d. The director is also authorized to issue registrations for commercial motor-drawn vehicles upon application therefor. The registration year for commercial motor-drawn vehicles shall be April 1 to the following March 31 and the fee therefor shall be \$18.00 for each such vehicle.

At the discretion of the director, an applicant for registration for a commercial motor-drawn vehicle may be provided the option of registering such vehicle for a period of four years. In the event that the applicant for registration exercises the four-year option, a fee of \$64.00 for each such vehicle shall be paid to the director in advance.

If any commercial motor-drawn vehicle registered for a four-year period is sold or withdrawn from use on the highways, the director may, upon surrender of the vehicle registration and plate, refund \$16.00 for each full year of unused prepaid registration.

e. It shall be unlawful for any vehicle or combination of vehicles registered under this act, having a gross weight, including load or contents, in excess of the gross weight provided on the registration certificate to be operated on the highways of this State.

The owner, lessee, bailee or any one of the aforesaid of a vehicle or combination of vehicles, including load or contents, found or operated on any public road, street or highway or on any public or quasi-public property in this State with a gross weight of that vehicle or combination of vehicles, including load or contents, in excess of the weight limitation permitted by the certificate of registration for the vehicle or combination of vehicles, pursuant to the provisions of this section, shall be assessed a penalty of \$500.00 plus an amount equal to \$100.00 for each 1,000 pounds or fractional portion of 1,000 pounds of weight in excess of the weight limitation permitted by the certificate of registration for that vehicle or combination of vehicles. A vehicle or combination of vehicles for which there is no valid certificate of registration is deemed to have been registered for zero pounds for the purposes of the enforcement of this act, in addition to any other violation of this Title, but is not deemed to be lawfully or validly registered pursuant to the provisions of this Title.

This section shall not be construed to supersede or repeal the provisions of section 39:3-84, 39:4-75, or 39:4-76 of this Title.

f. In addition to the registration fees imposed pursuant to this section, the director shall impose and collect an additional fee of \$35 for every registration for a commercial motor vehicle, other than an omnibus, motor-drawn vehicle or non-commercial truck registered pursuant to section 2 of P.L.1968, c.439 (C.39:3-8.1), having a gross weight of 10,000 pounds or more. All fees collected by the director shall be forwarded to the State Treasurer for deposit in a special non-lapsing fund. Moneys in the fund shall be used exclusively by the Department of Law and Public Safety for enforcement of laws and regulations governing commercial motor vehicles, except that the fees collected shall be allocated first to the division to defray the costs necessary to implement the provisions of this subsection.

33. Section 5 of P.L.1950, c.142 (C.39:3-84.3) is amended to read as follows:

C.39:3-84.3 Measurement, weighing to determine compliance.

5. a. Officers shall have authority as set forth in paragraphs (1) through (3) of this subsection to require the driver, operator, owner, lessee or bailee of any vehicle or combination of vehicles found on any public road, street, or highway or any public or quasi-public property in this State to facilitate and permit the measurement or weighing of the vehicle or combination of vehicles, including load or contents, for the purpose of determining whether the size or weight of the vehicle or combination of vehicles, including load or contents, is in excess of that permitted in this Title:

(1) Officers of the Division of State Police shall have the exclusive authority to conduct random roadside examinations for the purpose of determining whether size or weight is in excess of that permitted in this Title, and officers of the Division of State Police shall have the authority, with or without probable cause to believe that the size or weight is in excess of that permitted, to require the driver, operator, owner, lessee or bailee, to stop, drive or otherwise move to a location for measurement or weighing and submit the vehicle or combination of vehicles, including load or contents, to measurement or weighing;

(2) Police or peace officers or inspectors appointed by any municipality or county shall have the authority to require the driver, operator, owner, lessee or bailee to stop, drive or otherwise move to a location for measurement or weighing and submit the vehicle or combination of vehicles, including load or contents, to measurement or weighing, only if the officer has

probable cause to believe that the size or weight of the vehicle or combination of vehicles, including load or contents, is in excess of that permitted by this Title; and

(3) The Division of State Police and the director shall have the exclusive authority to establish and operate locations for the measurement and weighing of vehicles, including load and contents, and all measuring and weighing devices or scales employed at such locations shall be approved and certified by the State Superintendent of Weights and Measures or the State Superintendent's agent. Copies of documents displaying the State Superintendent's seal or certification shall be prima facie evidence of the reliability and accuracy of the measuring or weighing devices or scales utilized.

b. Whenever the officer, upon measuring or weighing a vehicle or combination of vehicles, including load or contents, determines that the size or weight is in excess of the limits permitted in this Title, the officer or inspector shall require the driver, operator, owner, lessee or bailee to stop the vehicle or combination of vehicles in a suitable place and remain in that place until a portion of the load or contents of the vehicle or combination of vehicles is removed by the driver, operator, owner, lessee, bailee or duly appointed agent thereof, as may be necessary to conform or reduce the size or weight of the vehicle or combination of vehicles, including load or contents, to those limits as permitted under this act, or permitted by the certificate of registration for the vehicle or combination of vehicles, whichever may be lower. All materials so unloaded or removed shall be cared for by the driver, owner, operator, lessee or bailee of the vehicle or combination of vehicles, or duly appointed agent thereof, at the risk, responsibility and liability of the driver, owner, operator, lessee, bailee or duly appointed agent thereof.

c. No vehicle or combination of vehicles shall be deemed to be in violation of the weight limitation provision of this act, when, upon examination by the officer, the dispatch papers for the vehicle or combination of vehicles, including load or contents, show it is proceeding from its last preceding freight pickup point within the State of New Jersey by a reasonably expeditious route to the nearest available scales or to the first available scales in the general direction towards which the vehicle or combination of vehicles has been dispatched, or is returning from such scales after weighing-in to the last preceding pickup point.

d. When the officer determines that a vehicle or combination of vehicles, including load or contents, is in violation of the weight limita-

tions of this Title as provided at paragraph (1) of subsection b. of R.S.39:3-84; paragraph (2) of subsection b. of R.S.39:3-84; paragraph (3) of subsection b. of R.S.39:3-84; or paragraph (5) of subsection b. of R.S.39:3-84 relative to maximum gross axle weights, but is within the permissible maximum gross vehicle weight of this Title as provided at paragraph (4) of subsection b. of R.S.39:3-84 or paragraph (5) of subsection b. of R.S.39:3-84, whichever is applicable, the driver, operator, owner, lessee, bailee or duly appointed agent thereof shall be permitted, before proceeding, to redistribute the weight of the vehicle or combination of vehicles or the load or contents of the vehicle or combination of vehicles so that no axle or combination of consecutive axles are in excess of the limits set by this act, in which event there is no violation.

e. When the officer determines that a vehicle or combination of vehicles, including load or contents, is in violation of the height, width or length limits of this Title as provided at subsection a. of R.S.39:3-84, the driver, operator, owner, lessee or bailee of the vehicle or combination of vehicles or duly appointed agent thereof shall be permitted, before proceeding, to adjust, reduce or conform the vehicle or combination of vehicles, including load or contents, so that the vehicle or combination of vehicles, including load or contents, are not in excess of the height, width, or length limits set by this act, in which event there is no violation.

f. The provisions of this subsection shall not apply to a vehicle or combination of vehicles, including load or contents, found or operated on any highway in this State which is part of or designated as part of the National Interstate System, as provided at 23 U.S.C. § 103(e). No arrest shall be made or summons issued for a violation of the weight limitations provided in this act at subsection b. of R.S.39:3-84 where the excess weight is no more than 5% of the weight permitted, provided the gross weight of the vehicle or combination of vehicles, including load or contents, does not exceed the maximum gross weight of 80,000 pounds as set forth at paragraph (4) of subsection b. of R.S.39:3-84.

g. Any person who presents to the officer, or has in his possession, or who prepares false dispatch papers, that is to say, dispatch papers which do not correspond to the cargo carried, shall be subject to a fine not to exceed \$100.00.

h. Any driver of a vehicle or combination of vehicles who fails or refuses to stop and submit the vehicle or combination of vehicles, including load or contents, to measurement or weighing, as provided in this Title, or otherwise fails to comply with the provisions of this section, shall be subject to a fine not exceeding \$200.00.

i. The owner, lessee, bailee or any one of the aforesaid of any vehicle or combination of vehicles found or operated on any public road, street or highway or on any public or quasi-public property in this State in violation of the height, width or length limits as set forth in subsection a. of R.S.39:3-84 shall be fined not less than \$150.00 nor more than \$500.00.

j. The owner, lessee, bailee or any one of the aforesaid of any vehicle or combination of vehicles found or operated on any public road, street or highway or on any public or quasi-public property in this State, with a gross weight of the vehicle or combination of vehicles, including load or contents, in excess of the weight limitations as provided at subsection b. of R.S.39:3-84 or section 3 of P.L.1950, c.142 (C.39:3-84.1) shall be fined an amount equal to \$0.02 per pound for each pound of the total excess weight; provided the total excess weight is 10,000 pounds or less, or shall be fined an amount equal to \$0.03 per pound for each pound of the total excess weight; provided the total excess weight is more than 10,000 pounds, but in no event shall the fine be less than \$50.00. However, in the case of any vehicle or combination of vehicles carrying a sealed ocean container, either the shipper, the consignee or both, shall be liable for a violation of the weight limitations as provided at subsection b. of R.S.39:3-84 relative to maximum gross axle weights.

k. Whenever a vehicle or combination of vehicles, including load or contents, is found to be in violation of any two or more of the weight limitations as provided at subsection b. of R.S.39:3-84 or section 3 of P.L.1950, c.142 (C.39:3-84.1), the fine levied shall be only for the violation involving the greater or greatest excess weight.

34. R.S.39:5-1 is amended to read as follows:

Enforcement.

39:5-1. Except as otherwise provided, the enforcement of this subtitle shall be vested in the director and the police or peace officers of, or inspectors duly appointed for that purpose by, any municipality or county or by the State. Nothing in this section shall be construed to authorize police or peace officers or inspectors appointed by any municipality or county to conduct random roadside examinations of any vehicle.

35. This act shall take effect immediately but sections 1 through 34 shall remain inoperative until July 1, 1994, provided however that those officials responsible for implementing the

provisions of this act may take such actions before July 1, 1994 as may be necessary to carry out the purposes of this act.

Approved June 29, 1994.

CHAPTER 61

AN ACT appropriating certain gross receipts and franchise taxes for distribution to municipalities during fiscal year 1994, amending P.L.1993, c.155.

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

1. The following provision in section 1 of P.L.1993, c.155, the Fiscal Year 1994 annual appropriations act, is amended to read as follows:

GENERAL FUND

STATE AID

82 DEPARTMENT OF THE TREASURY

70 Government Direction, Management and Control

75 State Subsidies and Financial Aid--State Aid

27-2085 Other Distributed Taxes

Notwithstanding the provisions of section 2 of P.L.1980, c.10 (C.54:30A-24.1) and section 4 of P.L.1980, c.11 (C.54:30A-61.1), and section 27 of P.L.1991, c.184 (C.54:30A-24.4), and section 28 of P.L.1991, c.184 (C.54:30A-61.4), the payments to municipalities from the proceeds of the public utilities franchise and gross receipts taxes in excess of those anticipated during Fiscal Year 1994 shall be \$685,000,000 and the payments due in July, 1993 are limited to \$105,000,000; provided however, that amounts collected in excess of these sums shall be anticipated as revenue for general State purposes. Amounts collected in excess of \$1,408,000,000 from Public Utility Gross Receipts and Franchise Taxes (combined) for Fiscal Year 1994 that are anticipated as revenue for general State purposes and are not, as the State Treasurer shall determine, prepayments of taxes pursuant to provisions of the general and permanent State law identifying such taxes for State use are appropriated as supplementary payments to municipalities and shall be distributed on or before June 30, 1994.

The State Auditor shall independently verify, from such records and files of the Director of the Division of Taxation as the State Auditor may require, the calculation of the amounts collected in excess of \$1,408,000,000 from Public Utility Gross Receipts and Franchise Taxes (combined) for Fiscal Year 1994 that are anticipated as revenue for general State purposes and the amounts that are not prepayments of taxes pursuant to provisions of the general and permanent State law identifying such taxes for State use and the calculation of the amount of gross receipts and franchise taxes that remained unapportioned or undistributed and retained for State government use in State Fiscal Year 1992, which establishes the maximum State retention of such funds pursuant to section 27 of P.L.1991, c.184 (C.54:30A-24.4) and section 28 of P.L.1991, c.184 (C.54:30A-61.4), and shall report the results of that verification to the President of the Senate and the Speaker of the General Assembly. If the State Auditor's report indicates that the amounts collected in excess of \$1,408,000,000 from Public Utility Gross Receipts and Franchise Taxes (combined) for Fiscal Year 1994 that are anticipated as revenue for general State purposes and the amounts that are not prepayments of taxes pursuant to provisions of the general and permanent State law identifying such taxes for State use exceed the amount distributed pursuant to the State Treasurer's determination, the Legislature shall distribute that excess to municipalities. The supplementary payments made on or before June 30, 1994 to municipalities shall be in proportion to the amount of the payment each municipality received during Fiscal Year 1994 from the \$685,000,000 distribution. A supplementary payment shall be used solely and exclusively by each municipality for the purpose of reducing the amount the municipality is required to raise by local property tax levy for municipal purposes. If the amount of the supplementary payment exceeds the amount required to be raised by local property tax levy for municipal purposes, the balance of the supplementary payment shall be used to reduce the amount the municipality is required to raise for county purposes, notwithstanding the provisions of law to the contrary. Notwithstanding any provisions of the "Local Budget Law," N.J.S.40A:4-1 et seq., each municipality may anticipate the receipt of the amount of supplementary payment as shall be certified to it by the Director of the Division of Taxation in the Department of the Treasury and shall file any amendment or correction in its local budget as may be required to properly reflect that payment. The Director of the Division of Taxation shall pro-

vide the Director of the Division of Local Government Services in the Department of Community Affairs with a list of the certified supplementary payments for all affected municipalities. The Director of the Division of Local Government Services in the Department of Community Affairs shall certify that each municipality has complied with the requirements set forth herein concerning the use of the supplementary payments.

2. This act shall take effect immediately.

Approved June 30, 1994.

CHAPTER 62

AN ACT concerning the State-administered retirement systems, revising various parts of the statutory law, and repealing N.J.S.18A:66-67 and section 58 of P.L.1954, c.84 (C.43:15A-58).

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

1. In order to ensure the continued State funding of the public pension systems at levels related to the fiscal and financial soundness of those systems and in order to ensure the fiscal and financial integrity of the public pension systems, the Legislature finds and declares that:
 - a. public pension assets must be managed and administered to maintain their value and ensure appropriate levels of return on investment;
 - b. the accumulated assets of the public pension systems and their economic enhancement exist for the benefit of the retirees and members of those systems;
 - c. the statutorily-established benefits to which they are entitled belong to said retirees; and
 - d. no present or future retirees of the Teachers' Pension and Annuity Fund, the Judicial Retirement System, the Public Employees' Retirement System, the Police and Firemen's Retirement System, or the State Police Retirement System shall receive any reduction in benefits as a result of the provisions of this act, P.L.1994, c.62.

2. N.J.S.18A:66-18 is amended to read as follows:

Contingent reserve fund.

18A:66-18. The contingent reserve fund shall be the fund in which shall be credited contributions made by the State and other employers.

a. Upon the basis of the tables recommended by the actuary which the board of trustees adopts and regular interest, the actuary of the board shall compute annually, beginning as of March 31, 1992, the amount of contribution which shall be the normal cost as computed under the projected unit credit method attributable to service rendered under the retirement system for the year beginning on July 1 immediately succeeding the date of the computation. This shall be known as the "normal contribution."

b. Upon the basis of the tables recommended by the actuary which the board of trustees adopts and regular interest, the actuary of the board shall compute the amount of the accrued liability of the retirement system as of March 31, 1992 under the projected unit credit method, excluding the liability for pension adjustment benefits for active employees funded pursuant to section 2 of P.L.1987, c.385 (C.18A:66-18.1), which is not already covered by the assets of the retirement system, valued in accordance with the asset valuation method established in this section. Using the total amount of this unfunded accrued liability, the actuary shall compute the initial amount of contribution which, if the contribution is increased at a specific rate and paid annually for a specific period of time, will amortize this liability. The State Treasurer shall determine, upon the advice of the Director of the Division of Pensions and Benefits, the board of trustees and the actuary, the rate of increase for the contribution and the time period for full funding of this liability, which shall not exceed 40 years on initial application of this section as amended by this act, P.L.1994, c.62. This shall be known as the "accrued liability contribution." Any increase or decrease in the unfunded accrued liability as a result of actuarial losses or gains for the 10 valuation years following valuation year 1992 shall serve to increase or decrease, respectively, the unfunded accrued liability contribution. Thereafter, any increase or decrease in the unfunded accrued liability as a result of actuarial losses or gains for subsequent valuation years shall serve to increase or decrease, respectively, the amortization period for the unfunded accrued liability, unless an increase in the amortization period will cause it to exceed 30 years. If an increase in the amortization period as a result of actuarial losses for a valuation year would exceed 30 years, the accrued liability contribution shall be computed for the

valuation year in the same manner provided for the computation of the initial accrued liability contribution under this section.

The value of the assets to be used in the computation of the contributions provided for under this section for valuation periods shall be the value of the assets for the preceding valuation period increased by the regular interest rate, plus the net cash flow for the valuation period (the difference between the benefits and expenses paid by the system and the contributions to the system) increased by one half of the regular interest rate, plus 20% of the difference between this expected value and the full market value of the assets as of the end of the valuation period.

c. (Deleted by amendment, P.L.1992, c.125.)

d. The retirement system shall certify annually the aggregate amount payable to the contingent reserve fund in the ensuing year, which amount shall be equal to the sum of the amounts described in this section, and which shall be paid into the contingent reserve fund in the manner provided by section 18A:66-33.

e. Except as provided in sections 18A:66-26 and 18A:66-53, the death benefits payable under the provisions of this article upon the death of an active or retired member shall be paid from the contingent reserve fund.

f. The disbursements for benefits not covered by reserves in the system on account of veterans shall be met by direct contribution of the State.

3. Section 2 of P.L.1987, c.385 (C.18A:66-18.1) is amended to read as follows:

C.18A:66-18.1 Payment of pension adjustment benefits; health care benefits.

2. Pension adjustment benefits for members and beneficiaries of the Teachers' Pension and Annuity Fund as provided by the "Pension Adjustment Act," P.L.1958, c.143 (C.43:3B-1 et seq.) shall be paid by the retirement system and shall be funded as employer obligations by the same method provided by law for the funding of employer obligations for the basic retirement benefits provided by the retirement system. Normal and accrued liability contributions for pension adjustment benefits for active employees shall be determined for the 1992 valuation year and shall be phased in so that the level of recognition of the full normal and accrued liability contributions shall be 20% for valuation year 1992 and 23.33% for valuation year 1993, and shall be increased

by 2.33% for each valuation year thereafter until the full normal and accrued liability contributions are fully recognized.

Health care benefits for qualified retirees and their dependents as provided by section 3 of P.L.1987, c.384 (C.52:14-17.32f) shall be funded and paid by the retirement system through a separate fund or trust of the retirement system in accordance with the requirements of the federal Internal Revenue Code. Beginning with the actuarial valuation period ending March 31, 1994, the actuary of the retirement system shall annually compute a contribution to fund these health care benefits which shall be the amount necessary to pay the anticipated premiums or periodic charges for the benefits for the following valuation period and to provide that the balance in the fund as of the end of the following valuation period shall be increased by 1/2 of 1% of the salary of the active members for the valuation period. If the assets in the fund are insufficient to pay the premiums or periodic charges for the benefits, they shall be paid directly by the State.

4. N.J.S.18A:66-29 is amended to read as follows:

Members' contribution, rate.

18A:66-29. Members enrolled in the retirement system on or after July 1, 1994 shall contribute 5% of compensation to the system. Members enrolled in the system prior to July 1, 1994 shall contribute 5% of compensation to the system effective with the payroll period for which the beginning date is closest to July 1, 1995, provided, however, that any member enrolled before July 1, 1994, whose full contribution rate under the system prior to the revisions by this act was less than 6%, shall pay 4% of compensation to the system effective with the payroll period for which the beginning date is closest to July 1, 1995, and 5% of compensation to the system effective with the payroll period for which the beginning date is closest to July 1, 1996.

5. Section 33 of P.L.1973, c.140 (C.43:6A-33) is amended to read as follows:

C.43:6A-33 Computation of contributions; valuation of assets; contingent reserve fund.

33. a. Upon the basis of the tables recommended by the actuary which the commission adopts and regular interest, the actuary shall compute annually, beginning as of June 30, 1992, the amount of the contribution which shall be the normal cost as com-

puted under the projected unit credit method attributable to service rendered under the retirement system for the year beginning on July 1 immediately succeeding the date of the computation. This shall be known as the "normal contribution."

b. Upon the basis of the tables recommended by the actuary which the commission adopts and regular interest, the actuary shall compute the amount of the accrued liability of the retirement system as of June 30, 1992, which is not already covered by the assets of the retirement system, valued in accordance with the asset valuation method established in this section. Using the total amount of this unfunded accrued liability, the actuary shall compute the initial amount of contribution which, if the contribution is increased at a specific rate and paid annually for a specific period of time, will amortize this liability. The State Treasurer shall determine, upon the advice of the Director of the Division of Pensions and Benefits, the commission and the actuary, the rate of increase for the contribution and the time period for full funding of this liability, which shall not exceed 40 years on initial application of this section as amended by this act, P.L.1994, c.62. This shall be known as the "accrued liability contribution." Any increase or decrease in the unfunded accrued liability as a result of actuarial losses or gains for the 10 valuation years following valuation year 1992 shall serve to increase or decrease, respectively, the unfunded accrued liability contribution. Thereafter, any increase or decrease in the unfunded accrued liability as a result of actuarial losses or gains for subsequent valuation years shall serve to increase or decrease, respectively, the amortization period for the unfunded accrued liability, unless an increase in the amortization period will cause it to exceed 30 years. If an increase in the amortization period as a result of actuarial losses for a valuation year would exceed 30 years, the accrued liability contribution shall be computed for the valuation year in the same manner provided for the computation of the initial accrued liability contribution under this section.

The value of the assets to be used in the computation of the contributions provided for under this section for valuation periods shall be the value of the assets for the preceding valuation period increased by the regular interest rate, plus the net cash flow for the valuation period (the difference between the benefits and expenses paid by the system and the contributions to the system) increased by one half of the regular interest rate, plus 20% of the

difference between this expected value and the full market value of the assets as of the end of the valuation period.

c. The actuary shall certify annually the aggregate amount payable to the contingent reserve fund in the ensuing year, which amount shall be equal to the sum of the amounts described in this section. The State shall pay into the contingent reserve fund during the ensuing year the amount so determined.

The cash death benefits, payable as the result of contribution by the State under the provisions of this act upon the death of a member in active service and after retirement, shall be paid from the contingent reserve fund.

d. (Deleted by amendment, P.L.1992, c.125.)

6. Section 10 of P.L.1992, c.41 (C.43:6A-33.1) is amended to read as follows:

C.43:6A-33.1 Payment of pension adjustment benefits, funding.

10. Pension adjustment benefits for members and beneficiaries of the Judicial Retirement System provided by the "Pension Adjustment Act," P.L.1958, c.143 (C.43:3B-1 et seq.) shall be paid by the retirement system and shall be funded as employer obligations by the same method provided by law for the funding of employer obligations for the retirement benefits provided by the retirement system beginning with valuation year 1993.

7. Section 24 of P.L.1954, c.84 (C.43:15A-24) is amended to read as follows:

C.43:15A-24 Contingent reserve fund.

24. The contingent reserve fund shall be the fund in which shall be credited contributions made by the State and other employers.

a. Upon the basis of the tables recommended by the actuary which the board adopts and regular interest, the actuary shall compute annually, beginning as of March 31, 1992, the amount of contribution which shall be the normal cost as computed under the projected unit credit method attributable to service rendered under the retirement system for the year beginning on July 1 immediately succeeding the date of the computation. This shall be known as the "normal contribution."

b. Upon the basis of the tables recommended by the actuary which the board adopts and regular interest, the actuary shall compute the amount of the accrued liability of the retirement system as of March 31, 1992 under the projected unit credit method,

excluding the liability for pension adjustment benefits for active employees funded pursuant to section 2 of P.L.1990, c.6 (C.43:15A-24.1), which is not already covered by the assets of the retirement system, valued in accordance with the asset valuation method established in this section. Using the total amount of this unfunded accrued liability, the actuary shall compute the initial amount of contribution which, if the contribution is increased at a specific rate and paid annually for a specific period of time, will amortize this liability. The State Treasurer shall determine, upon the advice of the Director of the Division of Pensions and Benefits, the board of trustees and the actuary, the rate of increase for the contribution and the time period for full funding of this liability, which shall not exceed 40 years on initial application of this section as amended by this act, P.L.1994, c.62. This shall be known as the "accrued liability contribution." Any increase or decrease in the unfunded accrued liability as a result of actuarial losses or gains for the 10 valuation years following valuation year 1992 shall serve to increase or decrease, respectively, the unfunded accrued liability contribution. Thereafter, any increase or decrease in the unfunded accrued liability as a result of actuarial losses or gains for subsequent valuation years shall serve to increase or decrease, respectively, the amortization period for the unfunded accrued liability, unless an increase in the amortization period will cause it to exceed 30 years. If an increase in the amortization period as a result of actuarial losses for a valuation year would exceed 30 years, the accrued liability contribution shall be computed for the valuation year in the same manner provided for the computation of the initial accrued liability contribution under this section.

The value of the assets to be used in the computation of the contributions provided for under this section for valuation periods shall be the value of the assets for the preceding valuation period increased by the regular interest rate, plus the net cash flow for the valuation period (the difference between the benefits and expenses paid by the system and the contributions to the system) increased by one half of the regular interest rate, plus 20% of the difference between this expected value and the full market value of the assets as of the end of the valuation period.

c. The retirement system shall certify annually the aggregate amount payable to the contingent reserve fund in the ensuing year, which amount shall be equal to the sum of the amounts described in this section. The State shall pay into the contingent reserve fund

during the ensuing year the amount so determined. The death benefits, payable as a result of contribution by the State under the provisions of this chapter upon the death of an active or retired member, shall be paid from the contingent reserve fund.

d. The disbursements for benefits not covered by reserves in the system on account of veterans shall be met by direct contributions of the State and other employers.

8. Section 2 of P.L.1990, c.6 (C.43:15A-24.1) is amended to read as follows:

C.43:15A-24.1 Payment of pension adjustment benefits, health benefits.

2. Pension adjustment benefits for members and beneficiaries of the Public Employees' Retirement System provided by the "Pension Adjustment Act," P.L.1958, c.143 (C.43:3B-1 et seq.) shall be paid by the retirement system and shall be funded as employer obligations by the same method provided by law for the funding of employer obligations for the basic retirement benefits provided by the retirement system. Normal and accrued liability contributions for pension adjustment benefits for active employees shall be determined for the 1992 valuation year and shall be phased in so that the level of recognition of the full normal and accrued liability contributions for the State and other employers shall be 20% for valuation year 1992 and 24% for valuation year 1993, and shall be increased by 2.24% for each valuation year thereafter until the full normal and accrued liability contributions are fully recognized.

Health care benefits for retired State employees and their dependents for which the State is required to pay the premiums or periodic charges under the "New Jersey State Health Benefits Program Act," P.L.1961, c.49 (C.52:14-17.25 et seq.), shall be funded and paid by the retirement system through a separate fund or trust of the retirement system in accordance with the requirements of the federal Internal Revenue Code. Beginning with the actuarial valuation period ending March 31, 1994, the actuary of the retirement system shall annually compute a contribution to fund these health care benefits which shall be the amount necessary to pay the anticipated premiums or periodic charges for the benefits for the following valuation period and to provide that the balance in the fund as of the end of the following valuation period shall be increased by 1/2 of 1% of the salary of the active members for the valuation period. If the assets in the fund are insufficient to pay the premiums or periodic charges for the benefits, they shall be paid directly by the State.

9. Section 25 of P.L.1954, c.84 (C.43:15A-25) is amended to read as follows:

C.43:15A-25 Annuity savings fund; members' contributions.

25. The annuity savings fund shall be the fund in which shall be credited accumulated deductions and contributions by members or on their behalf to provide for their allowances. A single account shall be established in this fund for each person who is or shall become a member and all contributions deducted from each such member's compensation shall be credited to his account regardless of the number of positions a member might hold or the number of employers as he might have.

Members enrolled in the retirement system on or after July 1, 1994 shall contribute 5% of compensation to the system. Members enrolled in the system prior to July 1, 1994 shall contribute 5% of compensation to the system effective with the payroll period for which the beginning date is closest to July 1, 1995, provided, however, that any member enrolled before July 1, 1994, whose full contribution rate under the system prior to the revisions by this act was less than 6%, shall pay 4% of compensation to the system effective with the payroll period for which the beginning date is closest to July 1, 1995, and 5% of compensation to the system effective with the payroll period for which the beginning date is closest to July 1, 1996.

The retirement system shall certify to each State department or subdivision thereof, and to each branch of the State service not included in a State department, and to every other employer, the proportion of each member's compensation to be deducted and to facilitate the making of deductions the retirement system may modify the deduction required by a member by such an amount as shall not exceed 1/10 of 1% of the compensation upon the basis of which the deduction is to be made.

If payment in full, representing the monthly or biweekly transmittal and report of salary deductions, is not made within 15 days of the due date established by the retirement system, interest at the rate of 6% per annum shall commence to run against the total transmittal of salary deductions for the period on the first day after such fifteenth day.

Every employee to whom this act applies shall be deemed to consent and agree to any deduction from his compensation required by this act and to all other provisions of this act. Notwithstanding any other law, rule or regulation affecting the

salary, pay, compensation, other perquisites, or tenure of a person to whom this act applies, or shall apply, and notwithstanding that the minimum salary, pay, or compensation or other perquisites provided by law for him shall be reduced thereby, payment, less such deductions, shall be a full and complete discharge and acquittance of all claims and demands for service rendered by him during the period covered by such payment.

10. Section 60 of P.L.1954, c.84 (C.43:15A-60) is amended to read as follows:

C.43:15A-60 Contributions and credits of veteran members.

60. a. Each public employee veteran member shall have returned to him his accumulated deductions as of January 2, 1955. All service rendered in office, position, or employment of this State or of a county, municipality, school district, board of education, or other public employer, or service rendered for the State University of New Jersey, an instrumentality of this State, after April 16, 1945, and the New Jersey State Agricultural Experiment Station established by an act approved March 10, 1880 (P.L.1880, c.106 and continued pursuant to chapter 16 of Title 4 of the Revised Statutes), an instrumentality of this State, excluding service rendered as county extension service farm and home demonstration agents, by such veteran member previous to January 2, 1955, for which evidence satisfactory to the retirement system is presented, shall be credited to him as a "Class B" member and the obligation of the employer on account of such credit shall be known as the accrued liability on behalf of such veteran member; provided, however, that no credit shall be allowed for such service rendered prior to January 2, 1955 unless the member purchases credit for all eligible service rendered on or after such date.

b. The accrued liability on behalf of State employee veteran members including veteran members employed by the State University of New Jersey or by the New Jersey Agricultural Experiment Station shall be paid by the State as provided in section 24. The accrued liability on behalf of other public employee veteran members shall be paid by their employers, as of January 2, 1955, or the date of the next annual valuation of the retirement system following his enrollment, whichever is later, in the same manner as provided in the case of State employee veteran members in section 24. The retirement system shall certify to the

chief fiscal officer of the employer the accrued liability contribution payable by such employer on behalf of veteran members.

c. Each public employee veteran members shall make contributions to the retirement system at the rates of contribution applicable to Class B members of group two of the former "State Employees' Retirement System" as of June 30, 1949, as provided in section 25. Each public employee veteran member shall pay the proportion of compensation applicable to his age at the commencement of employment, position or office with the State, any county, municipality or school district, board of education, or other public employer except that where such service has not been continuous, the public employee veteran member shall pay the proportion of compensation applicable to the age resulting from the subtraction of his years of service from his age as of January 2, 1955. No public employee veteran member shall be required during the continuation of his membership to increase the proportion of compensation certified at the time of becoming a member as payable by him, except as provided in section 25 (C.43:15A-25).

d. In the event that a public employee veteran who prior to January 2, 1955 rendered service in office, position or employment of this State, including such service rendered for any instrumentality enumerated in paragraph a. of this section, or of a county, municipality, or school district, board of education, or other public employer, but who is not in such office, position or employment on January 2, 1955, shall later become a member of the retirement system, such public employee veteran member shall receive prior service credit for service rendered prior to January 2, 1955, for which evidence satisfactory to the retirement system is presented, and shall pay the proportion of compensation, applicable to the age resulting from the subtraction of his years of such prior service from his age on the date of his becoming a member of the retirement system as provided in section 25 (C.43:15A-25). The employer of such public employee veteran on the date of his becoming a member shall pay the accrued liability on behalf of such prior service, and such liability shall be paid in such a manner that the total obligation will be met within the period of time fixed for the liquidation of such accrued liability of the employer.

11. Section 15 of P.L.1944, c.255 (C.43:16A-15) is amended to read as follows:

C.43:16A-15 Contributions; expenses of administration.

15. (1) The contributions required for the support of the retirement system shall be made by members and their employers.

(2) The uniform percentage contribution rate for members shall be 8.5% of compensation.

(3) (Deleted by amendment, P.L.1989, c.204).

(4) Upon the basis of the tables recommended by the actuary which the board adopts and regular interest, the actuary shall compute annually, beginning as of June 30, 1991, the amount of contribution which shall be the normal cost as computed under the projected unit credit method attributable to service rendered under the retirement system for the year beginning on July 1 immediately succeeding the date of the computation. This shall be known as the "normal contribution."

(5) (Deleted by amendment, P.L.1989, c.204).

(6) (Deleted by amendment, P.L.1994, c.62.)

(7) Each employer shall cause to be deducted from the salary of each member the percentage of earnable compensation prescribed in subsection (2) of this section. To facilitate the making of deductions, the retirement system may modify the amount of deduction required of any member by an amount not to exceed 1/10 of 1% of the compensation upon which the deduction is based.

(8) The deductions provided for herein shall be made notwithstanding that the minimum salary provided for by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions made and provided for herein, and payment of salary or compensation less said deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the service rendered by such person during the period covered by such payment, except as to the benefits provided under this act. The chief fiscal officer of each employer shall certify to the retirement system in such manner as the retirement system may prescribe, the amounts deducted; and when deducted shall be paid into said annuity savings fund, and shall be credited to the individual account of the member from whose salary said deduction was made.

(9) Upon the basis of the tables recommended by the actuary which the board adopts and regular interest, the actuary shall compute the amount of the accrued liability as of June 30, 1991 under the projected unit credit method, which is not already covered by the assets of the retirement system, valued in accordance with the asset valuation method established in this section. Using

the total amount of this unfunded accrued liability, the actuary shall compute the initial amount of contribution which, if the contribution is increased at a specific rate and paid annually for a specific period of time, will amortize this liability. The State Treasurer shall determine, upon the advice of the Director of the Division of Pensions and Benefits, the board of trustees and the actuary, the rate of increase for the contribution and the time period for full funding of this liability, which shall not exceed 40 years on initial application of this section as amended by this act, P.L.1994, c.62. This shall be known as the "accrued liability contribution." Any increase or decrease in the unfunded accrued liability as a result of actuarial losses or gains for the 10 valuation years following valuation year 1991 shall serve to increase or decrease, respectively, the unfunded accrued liability contribution. Thereafter, any increase or decrease in the unfunded accrued liability as a result of actuarial losses or gains for subsequent valuation years shall serve to increase or decrease, respectively, the amortization period for the unfunded accrued liability, unless an increase in the amortization period will cause it to exceed 30 years. If an increase in the amortization period as a result of actuarial losses for a valuation year would exceed 30 years, the accrued liability contribution shall be computed for the valuation year in the same manner provided for the computation of the initial accrued liability contribution under this section.

The value of the assets to be used in the computation of the contributions provided for under this section for valuation periods shall be the value of the assets for the preceding valuation period increased by the regular interest rate, plus the net cash flow for the valuation period (the difference between the benefits and expenses paid by the system and the contributions to the system) increased by one half of the regular interest rate, plus 20% of the difference between this expected value and the full market value of the assets as of the end of the valuation period.

The normal and accrued liability contributions shall be certified annually by the retirement system and shall be included in the budget of the employer and levied and collected in the same manner as any other taxes are levied and collected for the payment of the salaries of members.

(10)The treasurer or corresponding officer of the employer shall pay to the State Treasurer no later than April 1 of the State's fiscal year in which payment is due the amount so certified as payable by the employer, and shall pay monthly to the State Trea-

surer the amount of the deductions from the salary of the members in the employ of the employer, and the State Treasurer shall credit such amount to the appropriate fund or funds, of the retirement system.

If payment of the full amount of the employer's obligation is not made within 30 days of the due date established by this act, interest at the rate of 10% per annum shall commence to run against the unpaid balance thereof on the first day after such 30th day.

If payment in full, representing the monthly transmittal and report of salary deductions, is not made within 15 days of the due date established by the retirement system, interest at the rate of 10% per annum shall commence to run against the total transmittal of salary deductions for the period on the first day after such 15th day.

(11)The expenses of administration of the retirement system shall be paid by the State of New Jersey. Each employer shall reimburse the State for a proportionate share of the amount paid by the State for administrative expense. This proportion shall be computed as the number of members under the jurisdiction of such employer bears to the total number of members in the system. The pro rata share of the cost of administrative expense shall be included with the certification by the retirement system of the employer's contribution to the system.

(12)Notwithstanding anything to the contrary, the retirement system shall not be liable for the payment of any pension or other benefits on account of the employees or beneficiaries of any employer participating in the retirement system, for which reserves have not been previously created from funds, contributed by such employer or its employees for such benefits.

(13)(Deleted by amendment, P.L.1992, c.125.)

(14)Commencing with valuation year 1991, with payment to be made in Fiscal Year 1994, the Legislature shall annually appropriate and the State Treasurer shall pay into the pension accumulation fund of the retirement system an amount equal to 1.1% of the compensation of the members of the system for the valuation year to fund the benefits provided by section 16 of P.L.1964, c.241 (C.43:16A-11.1), as amended by P.L.1979, c.109.

12. Section 3 of P.L.1987, c.384 (C.52:14-17.32f) is amended to read as follows:

C.52:14-17.32f Retired teachers' eligibility.

3. A qualified retiree from the Teachers' Pension and Annuity Fund (N.J.S.18A:66-1 et seq.) and dependents of a qualified

retiree, but not including survivors, are eligible to participate in the program, regardless of whether the retiree's employer participated in the program.

A qualified retiree is a retiree who:

- a. Retired on a benefit based on 25 or more years of service credit;
- b. Retired on a disability pension based on fewer years of service credit; or
- c. Elected deferred retirement based on 25 or more years of service credit and who receives a retirement allowance.

The program shall reimburse a qualified retiree who participates in the program for the premium charges under Part B of the federal medicare program for the retiree and the retiree's spouse. A qualified retiree who retired under subsections a. and b. of this section prior to the effective date of this 1987 amendatory and supplementary act is eligible for the coverage if the retiree applies to the program for it within one year after the effective date, and a qualified retiree as defined under subsection c. of this section whose retirement allowance commenced prior to the effective date of this 1992 amendatory act is eligible for the coverage if the retiree applies to the program for it within one year after the effective date.

The premium or periodic charges for benefits provided to a qualified retiree and the dependents of the retiree, and the cost for reimbursement of medicare premiums shall be paid by the Teachers' Pension and Annuity Fund.

13. Section 34 of P.L.1965, c.89 (C.53:5A-34) is amended to read as follows:

C.53:5A-34 Contingent reserve fund.

34. The Contingent Reserve Fund shall be the fund in which shall be credited contributions made by the State.

a. Upon the basis of the tables recommended by the actuary which the board adopts and regular interest, the actuary shall compute annually, beginning as of June 30, 1992, the amount of the contribution which shall be the normal cost as computed under the projected unit credit method attributable to service rendered under the retirement system for the year beginning on July 1 immediately succeeding the date of the computation. This shall be known as the "normal contribution."

b. Upon the basis of the tables recommended by the actuary which the board adopts and regular interest, the actuary shall compute the amount of the accrued liability of the retirement sys-

tem as of June 30, 1992, which is not already covered by the assets of the retirement system, valued in accordance with the asset valuation method established in this section. Using the total amount of this unfunded accrued liability, the actuary shall compute the initial amount of contribution which, if the contribution is increased at a specific rate and paid annually for a specific period of time, will amortize this liability. The State Treasurer shall determine, upon the advice of the Director of the Division of Pensions and Benefits, the board of trustees and the actuary, the rate of increase for the contribution and the time period for full funding of this liability, which shall not exceed 40 years on initial application of this section as amended by this act, P.L.1994, c.62. This shall be known as the "accrued liability contribution." Any increase or decrease in the unfunded accrued liability as a result of actuarial losses or gains for the 10 valuation years following valuation year 1992 shall serve to increase or decrease, respectively, the unfunded accrued liability contribution. Thereafter, any increase or decrease in the unfunded accrued liability as a result of actuarial losses or gains for subsequent valuation years shall serve to increase or decrease, respectively, the amortization period for the unfunded accrued liability, unless an increase in the amortization period will cause it to exceed 30 years. If an increase in the amortization period as a result of actuarial losses for a valuation year would exceed 30 years, the accrued liability contribution shall be computed for the valuation year in the same manner provided for the computation of the initial accrued liability contribution under this section.

The value of the assets to be used in the computation of the contributions provided for under this section for valuation periods shall be the value of the assets for the preceding valuation period increased by the regular interest rate, plus the net cash flow for the valuation period (the difference between the benefits and expenses paid by the system and the contributions to the system) increased by one half of the regular interest rate, plus 20% of the difference between this expected value and the full market value of the assets as of the end of the valuation period.

c. The actuary shall certify annually the aggregate amount payable to the Contingent Reserve Fund in the ensuing year, which amount shall be equal to the sum of the amounts described in this section. The State shall pay into the Contingent Reserve Fund during the ensuing year the amount so certified. In the event the amount certified to be paid by the State includes amounts due for services

rendered by members to specific instrumentalities or authorities the total amounts so certified shall be paid to the retirement system by the State; provided, however, the full cost attributable to such services rendered to such instrumentalities and authorities shall be computed separately by the actuary and the State shall be reimbursed for such amounts by such instrumentalities or authorities.

The cash death benefits, payable as the result of contribution by the State under the provisions of this act upon the death of a member in active service and after retirement shall be paid from the Contingent Reserve Fund.

14. Section 30 of P.L.1992, c.41 (C.53:5A-34.2) is amended to read as follows:

C.53:5A-34.2 Payment of pension adjustment benefits; funding.

30. Pension adjustment benefits for members and beneficiaries of the State Police Retirement System provided by the "Pension Adjustment Act," P.L.1958, c.143 (C.43:3B-1 et seq.) shall be paid by the retirement system and shall be funded as employer obligations by the same method provided by law for the funding of employer obligations for the retirement benefits provided by the retirement system beginning with valuation year 1993.

15. Notwithstanding the provisions of N.J.S.18A:66-58 or any other law to the contrary, the tables of actuarial assumptions adopted by the board of trustees of the Teachers' Pension and Annuity Fund which were applicable to the actuarial valuation of the retirement system for the period ending March 31, 1992, revised as recommended by the actuary of the system based upon the results of the experience study of the system for the three-year period ending March 31, 1991, shall be the tables of actuarial assumptions for the system until the actuarial valuation for the period ending March 31, 1998, except that the impact of the revisions to the tables based upon the experience study for the three-year period ending March 31, 1991 upon the employer contributions to the system shall be phased in in equal installments over the five succeeding actuarial valuations beginning with the actuarial valuation for the period ending March 31, 1993.

16. Notwithstanding the provisions of subsection m. of N.J.S.18A:66-2 and N.J.S.18A:66-58, subsection n. of section 3 and section 31 of P.L.1973, c.140 (C.43:6A-3 and 31), subsection

n. of section 6 and section 19 of P.L.1954, c.84 (C.43:15A-6 and 19), subsection (9) of section 1 and subsection (13) of section 13 of P.L.1944, c.255 (C.43:16A-1 and 13), and subsection p. of section 3 and section 32 of P.L.1965, c.89 (C.53:5A-3 and 32) or any other law: a. for the 1992 through 1996 valuation years for the Teachers' Pension and Annuity Fund, the Public Employees' Retirement System, the Judicial Retirement System and the State Police Retirement System and for the 1991 through 1995 valuation years for the Police and Firemen's Retirement System, the average assumed percentage rate of increase applied to salaries shall be 2.8% less than regular interest, and beginning with valuation year 1997 for the Teachers' Pension and Annuity Fund, the Public Employees' Retirement System, the Judicial Retirement System and the State Police Retirement System and beginning with valuation year 1996 for the Police and Fireman's Retirement System, the average assumed percentage rate of increase applied to salaries shall be reviewed and, if necessary, revised to a reasonable level determined by the respective boards of trustees, after consultation with the State Treasurer, the Director of the Division of Pensions and Benefits, and the appropriate actuary; and b. for the retirement systems or funds specified in subsection a., the assumed annual rate of increase in the Consumer Price Index for pension adjustment benefits shall be 4%, except that if the annual rate of increase in the Consumer Price Index exceeds 4% in two consecutive valuation years, that assumed rate of increase in the Consumer Price Index shall be reviewed and, if necessary, revised to a level which reasonably relates to the change in the Consumer Price Index by the respective boards of trustees, after consultation with the State Treasurer, the Director of the Division of Investment, the Director of the Division of Pensions and Benefits, and the appropriate actuary.

C.43:4C-1 Waiver of noncontributory insurance.

17. Notwithstanding the provisions of the laws governing the Teachers' Pension and Annuity Fund, the Public Employees' Retirement System, Alternate Benefit Programs, the Judicial Retirement System, the Police and Firemen's Retirement System and the State Police Retirement System or any other law, the members of these retirement systems may waive the amount of noncontributory insurance to which they are entitled under the systems in excess of \$50,000.

18. Employers other than the State under the Public Employees' Retirement System and the Police and Firemen's Retirement System shall pay to the State the original contributions determined by the actuary for the 1994 fiscal year under the law prior to the revisions under this act. The State shall pay to the respective retirement systems the contributions required for employers other than the State as a result of the revisions under this act. Any difference between the original contributions and the contributions required as a result of the revisions under this act for employers other than the State shall be retained by the State.

The contribution by each employer other than the State to the Public Employees' Retirement System and the Police and Firemen's Retirement System for the 1995 fiscal year shall be the amount which is the same proportion to the original contribution amount for each employer as determined by the actuary under the law prior to the revisions under this act, as the total revised contribution required as a result of the revisions under this act is to the total original contribution.

19. Notwithstanding the provisions of the "New Jersey State Health Benefits Program Act," P.L.1961, c.49 (C.52:14-17.25 et seq.) or any regulation of the State Health Benefits Commission under the act, no employer other than the State participating in the State Health Benefits Program, except for a participating employer which has notified the Division of Pensions and Benefits or the State Health Benefits Commission in writing prior to the effective date of this act of its intention to terminate its participation in the State Health Benefits Program, may terminate its participation in the program until July 1, 1995.

Repealer.

20. N.J.S.18A:66-67 and section 58 of P.L.1954, c.84 (C.43:15A-58) are repealed.

21. This act shall take effect immediately, but sections 4, 9 and 20 shall remain inoperative, except for new members of the retirement systems enrolled on or after July 1, 1994, until the payroll period for which the beginning date is closest to July 1, 1995.

Approved June 30, 1994.

CHAPTER 63

AN ACT concerning the Legalized Games of Chance Control Commission and certain legalized games of chance, amending various parts of the statutory law and supplementing P.L.1954, c.7 (C.5:8-1 et seq.), P.L.1954, c.6 (C.5:8-24 et seq.) and P.L.1954, c.5 (C.5:8-50 et seq.).

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

1. Section 6 of P.L.1954, c.7 (C.5:8-6) is amended to read as follows:

C.5:8-6 Duties.

6. It shall be the duty of the commission to supervise the administration of the Bingo Licensing Law and the Raffles Licensing Law and to adopt, amend and repeal rules and regulations governing the issuance and amendment of licenses thereunder and the holding, operating and conducting of games of chance under such licenses, establishing schedules of rentals or charges which may be paid for the leasing, sale or providing of equipment for use in or in connection with the holding, operating or conducting of any game or games of chance authorized to be held, operated or conducted under the Bingo Licensing Law or the Raffles Licensing Law, and prescribing fees for registrations, licenses and other services provided pursuant to P.L.1954, c.7 (C.5:8-1 et seq.), as amended and supplemented, which shall have the force of law and shall be binding upon all municipalities issuing licenses under either or both of said laws and upon all licensees thereunder and lessors, sellers or providers of equipment to licensees, to the end that such licenses shall be issued to qualified licensees only and that said games of chance shall be fairly and properly conducted for the purposes and in the manner in said laws prescribed and to prevent the games of chance authorized to be conducted by said laws from being conducted for commercial purposes instead of for the purposes authorized in said laws, and in order to provide uniformity in the administration of said laws throughout the State, the commission shall prescribe forms of applications for licenses, licenses, amendment of licenses, reports of the conduct of games and other matters incident to the administration of said laws.

The commission shall receive and investigate applications from organizations wishing to hold, operate or conduct any game or games of chance pursuant to the Bingo Licensing Law or the Raffles Licensing Law, as amended and supplemented. If the commission determines that the applicant is a bona fide organization or association of veterans of any war in which the United States has been engaged or a church or a religious congregation or a religious organization or a charitable, educational or fraternal organization, or a civic or service club, or a senior citizen association or club, or an officially recognized volunteer fire company or an officially recognized volunteer first aid or rescue squad, the commission shall issue to it a registration certificate as proof of such a determination. The certificate shall be sufficient proof to a municipal governing body that the organization holding it is eligible to apply for a license to hold, operate and conduct games of chance in accordance with the provisions of the Bingo Licensing Law or the Raffles Licensing Law, as the case may be. The commission shall have power also to approve any person, persons or corporation, applying to it for approval, to lease, sell or provide any equipment for use in or in connection with the holding, operating or conducting of any game or games of chance authorized to be held, operated or conducted under the Bingo Licensing Law or the Raffles Licensing Law as to such person's or persons' good moral character and freedom from conviction of crime or, if a corporation, as to the good moral character and freedom from conviction of crime of all of its officers and each of its stockholders who hold 10% or more of its stock issued and outstanding, and any such application may be disapproved by the commission after hearing and due notice thereof if it shall find that the applicant is not of good moral character and free from conviction of crime as hereinbefore prescribed.

2. Section 21 of P.L.1954, c.7 (C.5:8-21) is amended to read as follows:

C.5:8-21 Expenses, personnel, fees.

21. The commission is authorized to incur such necessary expenses, and engage and appoint an executive officer and such competent and expert advisors, and clerical and stenographic assistants and investigators, as it may deem necessary to the proper performance of the purpose of this act, and may fix their compensation and that of its secretary, if he is not a member of the commission, within the limits of any sums appropriated or made available to it for such purposes.

Fees shall be established, prescribed or changed by regulation promulgated by the commission to the extent necessary to defray all proper expenses incurred by the commission and any staff employed to administer the Bingo Licensing Law or the Raffles Licensing Law, except that no fee shall be set at a level that will raise funds in excess of the amount necessary for these purposes. All fees payable to the commission and the proceeds of any civil penalties imposed by the commission or any court shall be deposited in the Legalized Games of Chance Control Commission Fund created pursuant to section 3 of P.L.1994, c.63 (C.5:8-21.1).

In addition to the fees to be paid to the commission, licensed organizations shall pay a licensing fee, as established by the commission, to the municipality in which any game or games of chance are conducted.

No investigator employed by the commission need be employed in accordance with the provisions of, or shall be in any manner subject to, the provisions of Title 11A, Civil Service, of the New Jersey Statutes.

C.5:8-21.1 Legalized Games of Chance Control Commission Fund.

3. There is created in the Department of the Treasury a special non-lapsing fund, to be known as the Legalized Games of Chance Control Commission Fund. Except as otherwise provided by law, all monies from fees, penalties or fines collected by the Legalized Games of Chance Control Commission pursuant to the "Bingo Licensing Law" (P.L.1954, c.6; C.5:8-24 et seq.) and the "Raffles Licensing Law" (P.L.1954, c.5; C.5:8-50 et seq.) on and after the effective date of this section shall be deposited in the fund. The money in the fund shall be administered by the State Treasurer and all interest on monies in the fund shall be credited to the fund. At the end of each fiscal year there shall be appropriated from the fund to the Department of Law and Public Safety, or its successor, such sums as may be necessary for the Legalized Games of Chance Control Commission to implement and enforce the provisions of the "Bingo Licensing Law" and the "Raffles Licensing Law," as amended and supplemented.

4. Section 4 of P.L.1954, c.6 (C.5:8-27) is amended to read as follows:

C.5:8-27 Investigation of applicant, license issued, fees, limitations on amount of prizes.

4. The governing body of the municipality shall make an investigation of the qualifications of each applicant and the merits

of each application, with due expedition after the filing of the application, and if it shall determine that the applicant is duly qualified to be licensed under this act to hold, operate and conduct games of chance under the provisions of this act and the rules and regulations governing the holding, operation and conduct thereof in the municipality; that the member or members of the applicant designated in the application to hold, operate or conduct the games of chance which the license is applied for are bona fide active members of the applicant and are persons of good moral character and have never been convicted of crime; that such games of chance are to be held, operated and conducted in accordance with the provisions of this act and in accordance with the rules and regulations governing the holding, operation and conduct thereof and that the proceeds thereof are to be disposed of as provided by this act, and if the governing body is satisfied that no commission, salary, compensation, reward or recompense whatever will be paid or given to any person holding, operating or conducting or assisting in the holding, operation or conduct of any such game of chance except as in this act otherwise provided; and that no prize will be offered and given in excess of the sum or value of \$250.00 in any single game of chance, and that the aggregate of all prizes offered and given in all such games of chance, held, operated and conducted on a single occasion, under said license shall not exceed the sum or value of \$1,000.00, it shall issue a license to the applicant for the holding, operation and conduct of the specific kind of games of chance applied for, accordingly, upon payment of a license fee or fees prescribed by regulation promulgated by the control commission for each occasion upon which any game or games are to be conducted under such license.

The \$250.00 limitation on single game prizes and the \$1,000.00 aggregate prize limitation established in this section shall not apply to games in which the prize is determined based upon a percentage of the gross receipts from the sale of cards to participate in the game. The control commission shall, by regulation, prescribe the method of play and set the minimum and maximum percentage to be awarded in any such game.

No license for the holding, operation and conduct of any game or games of chance shall be issued under this act which shall be effective for a period of more than one year.

5. Section 7 of P.L.1954, c.6 (C.5:8-30) is amended to read as follows:

C.5:8-30 Control and supervision over all games; violations, penalties.

7. The governing body of any municipality issuing any license under this act shall have and exercise control and supervision over all games of chance held, operated or conducted under such license, to the end that the same are fairly held, operated and conducted in accordance with the provisions of such license, the rules and regulations promulgated by the control commission and the provisions of this act governing the holding, operation and conduct of the same and such governing body and the control commission shall have power and authority to suspend any license issued by such governing body and to revoke the same, after hearing, for any violation of any such provision, and shall have the right of entry, by their respective officers and agents at all times into any premises where any such game of chance is being held, operated and conducted or where it is intended that any such game of chance shall be held, operated and conducted, or where any equipment being used or intended to be used in the conduct thereof is found, for the purpose of inspecting the same.

In addition to or in lieu of revoking or suspending or refusing to renew any license or registration certificate issued by it or any municipality, the control commission may, after providing a licensee the opportunity to be heard:

- a. issue a letter of warning, reprimand or censure with regard to any action, conduct or practice which, in the judgment of the control commission upon consideration of all relevant facts and circumstances, does not warrant the initiation of formal action;
- b. assess civil penalties in accordance with the provisions of section 7 of P.L.1994, c.63 (C.5:8-30.2);
- c. order any person found to have violated any provision of a law, rule or regulation administered by the control commission to desist from future violations thereof or to take such affirmative corrective action as may be necessary with regard to any action found to be unlawful by the control commission;
- d. order any person found to have violated any provision of a law, rule or regulation administered by the control commission to restore to any person aggrieved by an unlawful act or practice, any monies or property, real or personal, acquired by means of such action or practice, except that the control commission shall not order restoration of a dollar amount greater than those monies

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received by a licensee or the agent or a licensee or any other person violating the law, rule or regulation administered by the control commission; and

e. order any person, as a condition for continued, reinstated or renewed licensure, to secure medical or other professional treatment as may be necessary to properly discharge licensee functions.

C.5:8-30.1 Violations, injunctions; proceedings, penalties.

6. Whenever it shall appear to the control commission that a violation of a law, including the unlicensed conduct or practice of a regulated activity, or regulation administered by the control commission has occurred, is occurring, or will occur, the control commission, in addition to any other proceeding authorized by law, may seek and obtain in a summary proceeding in Superior Court an injunction prohibiting such action, conduct or practice. In any such proceeding the court may assess a civil penalty in accordance with the provisions of section 7 of P.L.1994, c.63 (C.5:8-30.2), may order restoration to any person in interest of any monies or property, real or personal, acquired by means of an unlawful action, conduct or practice and may enter such orders as may be necessary to prevent the performance of an unlawful action, conduct or practice in the future and to remedy any past unlawful activity. In any action brought pursuant to this section, the court shall not suspend or revoke any license or registration certificate issued by the control commission.

C.5:8-30.2 Civil penalties.

7. Any person violating any provision of a law or regulation administered by the control commission shall, in addition to any other sanctions provided in section 7 of P.L.1994, c.6 (C.5:8-30), be liable to a civil penalty of not more than \$7,500 for the first offense and not more than \$15,000 for the second and each subsequent offense. For the purpose of construing this section, each statutory violation shall constitute a separate offense, except that a second and subsequent offense shall not be deemed to exist unless an administrative or court order has been entered in a prior, separate and independent proceeding. In lieu of an administrative proceeding or an action in the Superior Court, the Attorney General may bring an action in the name of the control commission for the collection or enforcement of civil penalties for the violation of any provision of a law or regulation administered by the control commission. Such action may be brought in a summary manner pursuant to "the penalty enforcement law"

(N.J.S.2A:58-1 et seq.) and the rules of court governing actions for the collection of civil penalties in the municipal court or Superior Court where the offense occurred. Process in such action may be a summons or warrant and in the event that the defendant in such action fails to answer such action, the court shall, upon finding an unlawful action, conduct or practice to have been committed by the defendant, issue a warrant for the defendant's arrest in order to bring such person before the court to satisfy the civil penalties imposed. In any action commenced pursuant to this section, the court may order restored to any person in interest any monies or property, real or personal, acquired by means of an unlawful action, conduct or practice. Any action alleging the unlicensed conduct or practice of an activity regulated by any law or regulation administered by the control commission shall be brought pursuant to this section, or where injunctive relief is sought, by an action commenced in Superior Court. In any action brought pursuant to P.L.1954, c.6 (C.5:8-24 et seq.), as amended and supplemented, the control commission or the court may order the payment of costs to the State.

Organizations registered with the control commission, holding a valid identification number, and not suspended or revoked at the time of any such action, conduct or practice shall not be subject to the provisions of this section.

8. Section 11 of P.L.1954, c.6 (C.5:8-34) is amended to read as follows:

C.5:8-34 Operation of games restricted to active members; equipment, approved providers.

11. No person shall hold, operate or conduct any game or games of chance under any license issued under this act except an active member of the organization, association, church, congregation, society, club, fire company, first aid or rescue squad, or senior citizen association or club to which the license is issued, and no person shall assist in the holding, operating or conducting of any game or games of chance under such license except such an active member or a member of an organization or association which is an auxiliary to the licensee or a member of an organization or association of which such licensee is an auxiliary or a member of an organization or association which is affiliated with the licensee by being, with it, auxiliary to another organization or association and except bookkeepers or accountants as hereinafter

provided, and no such game of chance shall be conducted with any equipment that is not purchased or leased from or provided by a person approved by the control commission, and no item of expense shall be incurred or paid in connection with the holding, operating or conducting of any game of chance held, operated or conducted pursuant to any license issued under this act, except such as are bona fide items of reasonable amount for goods, wares and merchandise furnished or services rendered, which are reasonably necessary to be purchased or furnished for the holding, operating or conducting thereof, under any circumstances whatever; no rental shall be paid for the use of any premises for holding, operating or conducting any such game of chance thereon or for any other purpose in connection with the holding, operating or conducting thereof unless the amount of such rental is stated in a statement annexed to the application for the license as provided in section 3 of this act or which is in excess of the sum stated as the rental to be charged therefor in such a statement; and no commission, salary, compensation, reward or recompense whatever shall be paid or given, directly or indirectly, to any person holding, operating or conducting, or assisting in the holding, operation or conduct of, any game of chance so held, operated or conducted, except that reasonable compensation may be paid to bookkeepers or accountants for bookkeeping or accounting services rendered according to a schedule of compensation prescribed by rule of the Legalized Games of Chance Control Commission.

9. Section 12 of P.L.1954, c.6 (C.5:8-35) is amended to read as follows:

C.5:8-35 Limitations on admission charges and prizes.

12. No amount in excess of the amount prescribed by regulation promulgated by the control commission shall be charged by any licensee for admission to any room or place in which any game or games of chance are to be held, operated and conducted under any license issued under this act, which admission fee, upon payment thereof, shall entitle the person paying the same to a card entitling him to participate without additional charge in all regular games of chance to be played under such license on such occasion, and no charge in excess of the amount prescribed by regulation promulgated by the control commission shall be made for a single opportunity to participate in all special games to be played under such license on such occasion. No prize greater in amount or value than \$250.00

shall be offered or given in any single game conducted under any such license and the aggregate amount or value of all prizes offered and given in all games played on a single occasion shall not exceed \$1,000.00, except as otherwise provided for by P.L.1954, c.6 (C.5:8-24 et seq.), and all winners shall be determined and all prizes shall be awarded in any game played on any occasion within the same calendar day as that upon which the winner is determined.

10. Section 14 of P.L.1954, c.6 (C.5:8-37) is amended to read as follows:

C.5:8-37 Verified report filed, contents.

14. No later than the 15th day of the calendar month immediately following a calendar month in which any such game of chance was held, operated or conducted, the organization, association, church, congregation, society, club, fire company, or first-aid or rescue squad which held, operated or conducted the same, and its members who were in charge thereof, shall furnish to the control commission a duly verified statement showing the amount of the gross receipts derived from each game of chance held, operated or conducted during the preceding calendar month, which shall include receipts from the sale of shares, tickets or rights in any manner connected with participation in said game or the right to participate therein, each item of expense incurred, or paid, and each item of expenditure made or to be made, name and address of each person to whom each such item has been, or is to be paid, with a detailed description of the merchandise purchased or the services rendered therefor, the net profit derived from each such game of chance, and the uses to which such net profit has been or is to be applied and a list of prizes offered and given, with the respective values thereof and it shall be the duty of each licensee to maintain and keep such books and records as may be necessary to substantiate the particulars of each such report.

11. Section 6 of P.L.1957, c.57 (C.5:8-49.7) is amended to read as follows:

C.5:8-49.7 Issuance of license; fee; duration; temporary permit.

6. When the application shall have been examined and such further inquiry and investigation made as the commission shall deem proper and when the commission shall be satisfied therefrom that the persons named in section 5(b) hereof possess the qualifications prescribed in this act, the commission shall issue

and deliver a license to such applicant as an approved rentor for the premises stated in the application upon payment by the applicant of a license fee as prescribed by regulation promulgated by the control commission and the approved rentor shall pay a fee as prescribed by regulation promulgated by the control commission for each occasion on which bingo games are held in the licensed premises. Said license shall be valid until revoked, suspended or modified by the commission. The commission may issue a temporary permit to any applicant for such license pending final action on the application. Any such temporary permit shall be valid for a period not in excess of 180 days.

12. Section 4 of P.L.1954, c.5 (C.5:8-53) is amended to read as follows:

C.5:8-53 Issuance of licenses to conduct games of chance; fees.

4. The governing body of the municipality shall make an investigation of the qualifications of each applicant and the merits of the application, with due expedition after the filing of the application, and if it shall determine that the applicant is duly qualified to be licensed under this act to hold, operate and conduct games of chance under the provisions of this act and the rules and regulations governing the holding, operation and conduct thereof in the municipality; that the member or members of the applicant designated in the application to hold, operate or conduct the game or games of chance which the license is applied for are bona fide active members of the applicant and persons of good moral character and have never been convicted of crime; that such game or games of chance are to be held, operated and conducted in accordance with the provisions of this act and in accordance with the rules and regulations governing the holding, operation and conduct thereof and that the proceeds thereof are to be disposed of as provided by this act, and if the governing body is satisfied that no commission, salary, compensation, reward or recompense whatever will be paid or given to any person holding, operating or conducting or assisting in the holding, operation or conduct of any such game of chance except as in this act otherwise provided; that any rental to be paid for any equipment to be used in or in connection with the holding, operation and conduct of such game or games of chance conforms to the schedule of authorized rentals prescribed by rules of the Legalized Games of Chance Control Commission and that such lessor or lessors have

been approved as to good moral character and freedom from conviction of crime by said commission; that no prize will be offered or given in cash except as authorized by regulation promulgated by the control commission or of greater value than is provided in this act in any game or games of chance held, operated and conducted under the license, it shall issue a license to the applicant for the holding, operation and conduct of the specific kind, or one or more of the specific kinds, of games of chance applied for accordingly, upon the payment of a license fee as prescribed by regulation promulgated by the control commission.

13. Section 8 of P.L.1954, c.5 (C.5:8-57) is amended to read as follows:

C.5:8-57 Control and supervision over all games; violations, penalties.

8. The governing body of any municipality issuing any license under this act shall have and exercise control and supervision over all games of chance held, operated or conducted under such license, to the end that the same are fairly held, operated and conducted in accordance with the provisions of such license, the rules and regulations promulgated by the control commission and the provisions of this act governing the holding, operation and conduct of the same, and such governing body and the control commission shall have power and authority to suspend any license issued by such governing body and to revoke the same, after hearing, for any violation of any such provision, and shall by their respective officers and agents have the right of entry at all times into any premises where any such game of chance is being held, operated and conducted or where it is intended that any such game of chance shall be held, operated and conducted, or where any equipment being used or intended to be used in the conduct thereof is found, for the purpose of inspecting the same.

In addition to or in lieu of revoking or suspending or refusing to renew any license or registration certificate issued by it or any municipality, the control commission may, after providing a licensee the opportunity to be heard:

- a. issue a letter of warning, reprimand or censure with regard to any action, conduct or practice which, in the judgment of the control commission upon consideration of all relevant facts and circumstances, does not warrant the initiation of formal action;
- b. assess civil penalties in accordance with the provisions of section 15 of P.L.1994, c.63 (C.5:8-57.2);

c. order any person found to have violated any provision of a law, rule or regulation administered by the control commission to desist from future violations thereof or to take such affirmative corrective action as may be necessary with regard to any action found to be unlawful by the control commission;

d. order any person found to have violated any provision of a law, rule or regulation administered by the control commission to restore to any person aggrieved by an unlawful act or practice, any monies or property, real or personal, acquired by means of such action or practice, except that the control commission shall not order restoration of a dollar amount greater than those monies received by a licensee or the agent of a licensee or any other person violating the law, rule or regulation administered by the control commission; and

e. order any person, as a condition for continued, reinstated or renewed licensure, to secure medical or other professional treatment as may be necessary to properly discharge licensee functions.

C.5:8-57.1 Violations, injunctions, proceedings, penalties.

14. Whenever it shall appear to the control commission that a violation of a law, including the unlicensed conduct or practice of a regulated activity, or regulation administered by the control commission has occurred, is occurring, or will occur, the control commission in addition to any other proceeding authorized by law, may seek and obtain in a summary proceeding in Superior Court an injunction prohibiting such action, conduct or practice. In any such proceeding the court may assess a civil penalty in accordance with the provisions of section 15 of P.L.1994, c.63 (C.5:8-57.2), may order restoration to any person in interest of any monies or property, real or personal, acquired by means of an unlawful action, conduct or practice and may enter such orders as may be necessary to prevent the performance of an unlawful action, conduct or practice in the future and to remedy any past unlawful activity. In any action brought pursuant to this section, the court shall not suspend or revoke any license or registration certificate issued by the control commission.

C.5:8-57.2 Civil penalties.

15. Any person violating any provision of a law or regulation administered by the control commission shall, in addition to any other sanctions provided in section 8 of P.L.1954, c.5 (C.5:8-57), be liable to a civil penalty of not more than \$7,500 for the first offense and not more than \$15,000 for the second and each subsequent offense. For

the purpose of construing this section, each statutory violation shall constitute a separate offense, except that a second and subsequent offense shall not be deemed to exist unless an administrative or court order has been entered in a prior, separate and independent proceeding. In lieu of an administrative proceeding or an action in the Superior Court, the Attorney General may bring an action in the name of the control commission for the collection or enforcement of civil penalties for the violation of any provision of a law or regulation administered by the control commission. Such action may be brought in a summary manner pursuant to "the penalty enforcement law" (N.J.S.2A:58-1 et seq.) and the rules of court governing actions for the collection of civil penalties in the municipal court or Superior Court where the offense occurred. Process in such action may be a summons or warrant and in the event that the defendant in such action fails to answer such action, the court shall, upon finding an unlawful action, conduct or practice to have been committed by the defendant, issue a warrant for the defendant's arrest in order to bring such person before the court to satisfy the civil penalties imposed. In any action commenced pursuant to this section, the court may order restored to any person in interest any monies or property, real or personal, acquired by means of an unlawful action, conduct or practice. Any action alleging the unlicensed conduct or practice of an activity regulated by any law or regulation administered by the control commission shall be brought pursuant to this section, or where injunctive relief is sought, by an action commenced in Superior Court. In any action brought pursuant to P.L.1954, c.5 (C.5:8-50 et seq.), as amended and supplemented, the control commission or the court may order the payment of costs to the State.

Organizations registered with the control commission, holding a valid identification number, and not suspended or revoked at the time of any such action, conduct or practice shall not be subject to the provisions of this section.

16. Section 10 of P.L.1954, c.5 (C.5:8-59) is amended to read as follows:

C.5:8-59 Age limit, exceptions.

10. No person under the age of 18 years shall be permitted to participate in any manner in any game or games of chance not conducted by a drawing, except that a person under the age of 18 years shall be permitted to play a game of chance when the prize offered and awarded consists of merchandise only and does not

include cash or money. No person under the age of 18 years shall be permitted to participate in any manner in any game or games of chance conducted by a drawing, held, operated or conducted pursuant to any license issued under this act.

17. Section 11 of P.L.1954, c.5 (C.5:8-60) is amended to read as follows:

C.5:8-60 Limits on frequency of games.

11. No game or games of chance shall be held, operated or conducted under any license issued under this act more often than authorized by regulation promulgated by the control commission.

18. Section 12 of P.L.1954, c.5 (C.5:8-61) is amended to read as follows:

C.5:8-61 Operation of game restricted to active members and own equipment.

12. No person shall hold, operate or conduct any game or games of chance under any license issued under this act except an active member of the organization, association, church, congregation, society, club, fire company, first-aid or rescue squad or senior citizen association or club to which the license is issued, and no person shall assist in the holding, operating or conducting of any game or games of chance under such license except such an active member or a member of an organization or association which is an auxiliary to the licensee or a member of an organization or association of which such licensee is an auxiliary or a member of any organization or association which is affiliated with the licensee by being, with it, auxiliary to another organization or association and except bookkeepers or accountants as hereinafter provided, and no such game of chance shall be conducted with any equipment except such as shall be owned absolutely or used without payment of any compensation therefor by the licensee or shall be leased for a rental, the amount of which is stated in a statement annexed to the application for the license as provided in section 3 of this act and conforms to the schedule of authorized rentals prescribed by rules of the Legalized Games of Chance Control Commission and the lessor or lessors of which have been approved as to good moral character and freedom from conviction of crime by said commission and no other item of expense shall be incurred or paid in connection with the holding, operating or conducting of any game of chance, held, operated or conducted pursuant to any license issued under this act, except such as are bona fide items of reasonable amount

for goods, wares and merchandise furnished or services rendered, which are reasonably necessary to be purchased or furnished for the holding, operating or conducting thereof, under any circumstances whatever, and no commission, salary, compensation, reward or recompense whatever shall be paid or given, directly or indirectly, to any person holding, operating or conducting, or assisting in the holding, operation or conduct of, any game of chance so held, operated or conducted, except that reasonable compensation may be paid to bookkeepers or accountants for bookkeeping or accounting services rendered according to a schedule of compensation prescribed by rule of the Legalized Games of Chance Control Commission, and no prize shall be given in cash in any such game of chance except as authorized by regulation promulgated by the control commission.

19. Section 13 of P.L.1954, c.5 (C.5:8-62) is amended to read as follows:

C.5:8-62 Limitations on prizes.

13. No prize shall be offered and given in cash except as authorized by regulation promulgated by the control commission.

The aggregate retail value of all prizes to be offered and given by raffles held, operated and conducted under any license issued under P.L.1954, c.5 (C.5:8-50 et seq.) in any calendar year shall not exceed \$500,000.00, but the limit so fixed shall not apply to any raffle with respect to which all tickets, shares or rights to participate are sold only to persons present, the winners determined, and the prizes awarded, on the same occasion or if the prizes are wholly donated.

No prize having a retail value greater than that prescribed by regulation promulgated by the control commission shall be awarded in any raffle conducted by a drawing, or for each spin of the wheel or other allotment by chance.

20. Section 15 of P.L.1954, c.5 (C.5:8-64) is amended to read as follows:

C.5:8-64 Verified report filed, contents.

15. No later than the 15th day of the calendar month immediately following a calendar month in which any such game of chance was held, operated or conducted, the organization, association, church, congregation, society, club, fire company, first-aid or rescue squad, or senior citizen association or club which held, operated or conducted the same and its member or members who were in charge thereof shall furnish to the control commission a

duly verified statement showing the amount of the gross receipts derived from each such game of chance held, operated or conducted in the preceding month, which shall include receipts from the sale of shares, tickets or rights in any manner connected with participation in said game or the right to participate therein, each item of expense incurred or paid, and each item of expenditure made or to be made, name and address of each person to whom each such item has been or is to be paid, with a detailed description of the merchandise purchased or the services rendered therefor, the net profit derived from each such game of chance, and the uses to which such net profit has been or is to be applied and a list of prizes offered or given, with the respective values thereof and it shall be the duty of each licensee to maintain and keep such books and records as may be necessary to substantiate the particulars of each such report.

21. This act shall take effect immediately.

Approved June 30, 1994.

CHAPTER 64

AN ACT concerning the collection of Merit Rating Plan surcharges and amending P.L.1983, c.65 and R.S.39:3-40.

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

1. Section 6 of P.L.1983, c.65 (C.17:29A-35) is amended to read as follows:

C.17:29A-35 Merit rating plan.

6. a. A merit rating accident surcharge system for private passenger automobiles may be used in the voluntary market, by the New Jersey Automobile Full Insurance Underwriting Association created pursuant to section 16 of P.L.1983, c.65 (C.17:30E-4), by the Market Transition Facility created pursuant to section 88 of P.L.1990, c.8 (C.17:33B-11), and by any insurance plan established to provide private passenger automobile insurance pursuant

to section 1 of P.L.1970, c.215 (C.17:29D-1). No surcharges shall be imposed on or after the operative date of this act, unless there is an at-fault accident within a three-year period immediately preceding the effective date of coverage which results in payment by the insurer of at least a \$300.00 claim. All moneys collected under this subsection shall be retained by the insurer assessing the surcharge. Accident surcharges shall be imposed for a three-year period and shall, for each filer, be uniform on a Statewide basis without regard to classification or territory.

b. There is created a New Jersey Merit Rating Plan which shall apply to all drivers and shall include, but not be limited to, the following provisions:

(1) (a) Plan surcharges shall be levied, beginning on or after January 1, 1984, by the Division of Motor Vehicles on any driver who has accumulated, within the immediately preceding three-year period, beginning on or after February 10, 1983, six or more motor vehicle points, as provided in Title 39 of the Revised Statutes, exclusive of any points for convictions for which surcharges are levied under paragraph (2) of this subsection; except that the allowance for a reduction of points in Title 39 of the Revised Statutes shall not apply for the purpose of determining surcharges under this paragraph. Surcharges shall be levied for each year in which the driver possesses six or more points. Surcharges assessed pursuant to this paragraph shall be \$100.00 for six points, and \$25.00 for each additional point.

(b) (Deleted by amendment, P.L.1984, c.1.)

(2) Plan surcharges shall be levied for convictions (a) under R.S.39:4-50 for violations occurring on or after February 10, 1983, and (b) under section 2 of P.L.1981, c.512 (C.39:4-50.4a), or for offenses committed in other jurisdictions of a substantially similar nature to those under R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a), for violations occurring on or after January 26, 1984. Except as hereinafter provided, surcharges under this paragraph shall be levied annually for a three-year period, and shall be \$1,000.00 per year for each of the first two convictions, for a total surcharge of \$3,000 for each conviction, and \$1,500.00 per year for the third conviction occurring within a three-year period, for a total surcharge of \$4,500 for the third conviction. If a driver is convicted under both R.S.39:4-50 and section 2 of P.L.1981, c.512 (C.39:4-50.4a) for offenses arising out of the same incident, the driver shall be assessed only one surcharge for the two offenses.

If, upon written notification from the Division of Motor Vehicles, mailed to the last address of record with the division, a driver fails to pay a surcharge levied under this subsection, the license of the driver shall be suspended forthwith until the surcharge is paid to the Division of Motor Vehicles; except that the Division of Motor Vehicles may authorize payment of the surcharge on an installment basis over a period not to exceed 12 months. If a driver fails to pay the surcharge or any installments on the surcharge, the total surcharge shall become due immediately.

The director may authorize any person to pay the surcharge levied under this section by use of a credit card, and the director is authorized to require the person to pay all costs incurred by the division in connection with the acceptance of the credit card.

In addition to any other remedy provided by law, the director is authorized to utilize the provisions of the SOIL (Setoff of Individual Liability) program established pursuant to P.L.1981, c.239 (C.54A:9-8.1 et seq.) to collect any surcharge levied under this section that is unpaid on or after the effective date of this act. As an additional remedy, the director may issue a certificate to the Clerk of the Superior Court stating that the person identified in the certificate is indebted under this surcharge law in such amount as shall be stated in the certificate. The certificate shall reference the statute under which the indebtedness arises. Thereupon the clerk to whom such certificate shall have been issued shall immediately enter upon the record of docketed judgments the name of such person as debtor; the State as creditor; the address of such person, if shown in the certificate; the amount of the debt so certified; a reference to the statute under which the surcharge is assessed, and the date of making such entries. The docketing of the entries shall have the same force and effect as a civil judgment docketed in the Superior Court, and the director shall have all the remedies and may take all of the proceedings for the collection thereof which may be had or taken upon the recovery of a judgment in an action, but without prejudice to any right of appeal. Upon entry by the clerk of the certificate in the record of docketed judgments in accordance with this provision, interest in the amount specified by the court rules for post-judgment interest shall accrue from the date of the docketing of the certificate, however payment of the interest may be waived by the director. In the event that the surcharge remains unpaid following the issuance of the certificate of debt and the director takes any further collection action including referral of the matter to

the Attorney General or his designee, the fee imposed, in lieu of the actual cost of collection, may be 20 percent of the surcharge or \$200, whichever is greater. The director shall provide written notification to a driver of the proposed filing of the certificate of debt 10 days prior to the proposed filing; such notice shall be mailed to the driver's last address of record with the division.

All moneys collectible under this subsection b. shall be billed and collected by the Division of Motor Vehicles. Of the moneys collected: 10%, or the actual cost of administering the collection of the surcharge, whichever is less, shall be retained by the Division of Motor Vehicles until August 31, 1996; five percent, or the actual cost of administering the cancellation notification system established pursuant to section 50 of P.L.1990, c.8 (C.17:33B-41), whichever is less, shall be retained by the Division of Motor Vehicles until August 31, 1996; and prior to October 1, 1991, the remainder shall be remitted to the New Jersey Automobile Full Insurance Underwriting Association and on or after October 1, 1991 until August 31, 1996, the remainder shall be remitted to the New Jersey Automobile Insurance Guaranty Fund created pursuant to section 23 of P.L.1990, c.8 (C.17:33B-5). Commencing on September 1, 1996, or such earlier time as the Commissioner of Insurance shall certify to the State Treasurer that amounts on deposit in the New Jersey Automobile Insurance Guaranty Fund are sufficient to satisfy the current and anticipated financial obligations of the New Jersey Automobile Full Insurance Underwriting Association, all plan surcharges collected by the Division of Motor Vehicles under this subsection b. shall be remitted to the Division of Motor Vehicles Surcharge Fund for transfer to the Market Transition Facility Revenue Fund, as provided in section 12 of P.L.1994, c.57 (C.34:1B-21.12), for the purposes of section 4 of P.L.1994, c.57 (C.34:1B-21.4) until such a time as all the Market Transition Facility bonds, notes and obligations issued pursuant to that section 4 of that act and the costs thereof are discharged and no longer outstanding. From the date of certification by the Commissioner of Insurance that the moneys collectible under this subsection are no longer needed to fund the association or at such a time as all Market Transition Facility bonds, notes and obligations issued pursuant to section 4 of P.L.1994, c.57 (C.34:1B-21.4) and the costs thereof are discharged and no longer outstanding moneys collectible under this subsection shall, subject to appropriation, be remitted to the New Jersey Property-Liability Insurance Guaranty Association created

pursuant to section 6 of P.L.1974, c.17 (C.17:30A-6) to be used for payment of any loans made by that association to the New Jersey Automobile Insurance Guaranty Fund pursuant to paragraph (10) of subsection a. of section 8 of P.L.1974, c.17 (C.17:30A-8); provided that all such payments shall be subject to and dependent upon appropriation by the State Legislature.

(3) In addition to any other authority provided in P.L.1983, c.65 (C.17:29A-33 et al.), the commissioner, after consultation with the Director of the Division of Motor Vehicles, is specifically authorized (a) (Deleted by amendment, P.L.1994, c.64), (b) to impose, in accordance with paragraph (1)(a) of this subsection, surcharges for motor vehicle violations or convictions for which motor vehicle points are not assessed under Title 39 of the Revised Statutes, or (c) to reduce the number of points for which surcharges may be assessed below the level provided in paragraph (1)(a) of this subsection, except that the dollar amount of all surcharges levied under the New Jersey Merit Rating Plan shall be uniform on a Statewide basis for each filer, without regard to classification or territory. Surcharges adopted by the commissioner on or after January 1, 1984 for motor vehicle violations or convictions for which motor vehicle points are not assessable under Title 39 of the Revised Statutes shall not be retroactively applied but shall take effect on the date of the New Jersey Register in which notice of adoption appears or the effective date set forth in that notice, whichever is later.

c. No motor vehicle violation surcharges shall be levied on an automobile insurance policy issued or renewed on or after January 1, 1984, except in accordance with the New Jersey Merit Rating Plan, and all surcharges levied thereunder shall be assessed, collected and distributed in accordance with subsection b. of this section.

d. (Deleted by amendment, P.L.1990, c.8.)

e. The Commissioner of Insurance and the Director of the Division of Motor Vehicles as may be appropriate, shall adopt any rules and regulations necessary or appropriate to effectuate the purposes of this section.

2. R.S.39:3-40 is amended to read as follows:

Penalties for driving while license suspended, etc.

39:3-40. No person to whom a driver's license has been refused or whose driver's license or reciprocity privilege has been suspended or revoked, or who has been prohibited from obtaining

a driver's license, shall personally operate a motor vehicle during the period of refusal, suspension, revocation, or prohibition.

No person whose motor vehicle registration has been revoked shall operate or permit the operation of such motor vehicle during the period of such revocation.

A person violating this section shall be subject to the following penalties:

- a. Upon conviction for a first offense, a fine of \$500.00;
- b. Upon conviction for a second offense, a fine of \$750.00 and imprisonment in the county jail for not more than five days;
- c. Upon conviction for a third offense, a fine of \$1,000.00 and imprisonment in the county jail for 10 days;
- d. Upon conviction, the court shall impose or extend a period of suspension not to exceed six months;
- e. Upon conviction, the court shall impose a period of imprisonment for not less than 45 days, if while operating a vehicle in violation of this section a person is involved in an accident resulting in personal injury to another person.
- f. Notwithstanding subsections a. through e., any person violating this section while under suspension issued pursuant to R.S.39:4-50 or section 2 of P.L.1972, c.197 (C.39:6B-2), upon conviction, shall be fined \$500.00, shall have his license to operate a motor vehicle suspended for an additional period of not less than one year nor more than two years, and may be imprisoned in the county jail for not more than 90 days.
- g. In addition to the other applicable penalties provided under this section, a person violating this section whose license has been suspended pursuant to section 6 of P.L.1983, c.65 (C.17:29A-35) or the regulations adopted thereunder, shall be fined \$3,000. The court shall waive the fine upon proof that the person has paid the total surcharge imposed pursuant to section 6 of P.L.1983, c.65 (C.17:29A-35) or the regulations adopted thereunder. Notwithstanding the provisions of R.S. 39:5-41, the fine imposed pursuant to this subsection shall be collected by the Division of Motor Vehicles pursuant to section 6 of P.L.1983, c.65 (C.17:29A-35), and distributed as provided in that section, and the court shall file a copy of the judgment of conviction with the director and with the Clerk of the Superior Court who shall enter the following information upon the record of docketed judgments: the name of the person as judgment debtor; the Division of Motor Vehicles as judgment creditor; the amount of the fine;

and the date of the order. These entries shall have the same force and effect as any civil judgment docketed in the Superior Court.

3. This act shall take effect immediately.

Approved June 30, 1994.

CHAPTER 65

AN ACT concerning the Medicaid program and amending P.L.1968, c.413.

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

1. Section 3 of P.L.1968, c.413 (C.30:4D-3) is amended to read as follows:

C.30:4D-3 Definitions.

3. Definitions. As used in this act, and unless the context otherwise requires:

a. "Applicant" means any person who has made application for purposes of becoming a "qualified applicant."

b. "Commissioner" means the Commissioner of Human Services.

c. "Department" means the Department of Human Services, which is herein designated as the single State agency to administer the provisions of this act.

d. "Director" means the Director of the Division of Medical Assistance and Health Services.

e. "Division" means the Division of Medical Assistance and Health Services.

f. "Medicaid" means the New Jersey Medical Assistance and Health Services Program.

g. "Medical assistance" means payments on behalf of recipients to providers for medical care and services authorized under this act.

h. "Provider" means any person, public or private institution, agency or business concern approved by the division lawfully providing medical care, services, goods and supplies authorized

under this act, holding, where applicable, a current valid license to provide such services or to dispense such goods or supplies.

i. "Qualified applicant" means a person who is a resident of this State and is determined to need medical care and services as provided under this act, and who:

- (1) Is a recipient of Aid to Families with Dependent Children;
- (2) Is a recipient of Supplemental Security Income for the Aged, Blind and Disabled under Title XVI of the Social Security Act;
- (3) Is an "ineligible spouse" of a recipient of Supplemental Security Income for the Aged, Blind and Disabled under Title XVI of the Social Security Act, as defined by the federal Social Security Administration;
- (4) Would be eligible to receive public assistance under a categorical assistance program except for failure to meet an eligibility condition or requirement imposed under such State program which is prohibited under Title XIX of the federal Social Security Act such as a durational residency requirement, relative responsibility, consent to imposition of a lien;
- (5) Is a child between 18 and 21 years of age who would be eligible for Aid to Families with Dependent Children, living in the family group except for lack of school attendance or pursuit of formalized vocational or technical training;
- (6) Is an individual under 21 years of age who qualifies for categorical assistance on the basis of financial eligibility, but does not qualify as a dependent child under the State's program of Aid to Families with Dependent Children (AFDC), or groups of such individuals, including but not limited to, children in foster placement under supervision of the Division of Youth and Family Services whose maintenance is being paid in whole or in part from public funds, children placed in a foster home or institution by a private adoption agency in New Jersey or children in intermediate care facilities, including institutions for the mentally retarded, or in psychiatric hospitals;
- (7) Meets the standard of need applicable to his circumstances under a categorical assistance program or Supplemental Security Income program, but is not receiving such assistance and applies for medical assistance only;
- (8) Is determined to be medically needy and meets all the eligibility requirements described below:
 - (a) The following individuals are eligible for services, if they are determined to be medically needy:
 - (i) Pregnant women;

- (ii) Dependent children under the age of 21;
- (iii) Individuals who are 65 years of age and older; and
- (iv) Individuals who are blind or disabled pursuant to either 42 C.F.R.435.530 et seq. or 42 C.F.R.435.540 et seq., respectively.

(b) The following income standard shall be used to determine medically needy eligibility:

(i) For one person and two person households, the income standard shall be the maximum allowable under federal law, but shall not exceed 133 1/3% of the State's payment level to two person households eligible to receive assistance pursuant to P.L.1959, c.86 (C.44:10-1 et seq.); and

(ii) For households of three or more persons, the income standard shall be set at 133 1/3% of the State's payment level to similar size households eligible to receive assistance pursuant to P.L.1959, c.86 (C.44:10-1 et seq.).

(c) The following resource standard shall be used to determine medically needy eligibility:

(i) For one person households, the resource standard shall be 200% of the resource standard for recipients of Supplemental Security Income pursuant to 42 U.S.C. §1382(1)(B);

(ii) For two person households, the resource standard shall be 200% of the resource standard for recipients of Supplemental Security Income pursuant to 42 U.S.C. §1382(2)(B);

(iii) For households of three or more persons, the resource standard in subparagraph (c)(ii) above shall be increased by \$100.00 for each additional person; and

(iv) The resource standards established in (i), (ii), and (iii) are subject to federal approval and the resource standard may be lower if required by the federal Department of Health and Human Services.

(d) Individuals whose income exceeds those established in subparagraph (b) of paragraph (8) of this subsection may become medically needy by incurring medical expenses as defined in 42 C.F.R.435.831(c) which will reduce their income to the applicable medically needy income established in subparagraph (b) of paragraph (8) of this subsection.

(e) A six-month period shall be used to determine whether an individual is medically needy.

(f) Eligibility determinations for the medically needy program shall be administered as follows:

(i) County welfare agencies are responsible for determining and certifying the eligibility of pregnant women and dependent children. The division shall reimburse county welfare agencies for

100% of the reasonable costs of administration which are not reimbursed by the federal government for the first 12 months of this program's operation. Thereafter, 75% of the administrative costs incurred by county welfare agencies which are not reimbursed by the federal government shall be reimbursed by the division;

(ii) The division is responsible for certifying the eligibility of individuals who are 65 years of age and older and individuals who are blind or disabled. The division may enter into contracts with county welfare agencies to determine certain aspects of eligibility. In such instances the division shall provide county welfare agencies with all information the division may have available on the individual.

The division shall notify all eligible recipients of the Pharmaceutical Assistance to the Aged and Disabled program, P.L.1975, c.194 (C.30:4D-20 et seq.) on an annual basis of the medically needy program and the program's general requirements. The division shall take all reasonable administrative actions to ensure that Pharmaceutical Assistance to the Aged and Disabled recipients, who notify the division that they may be eligible for the program, have their applications processed expeditiously, at times and locations convenient to the recipients; and

(iii) The division is responsible for certifying incurred medical expenses for all eligible persons who attempt to qualify for the program pursuant to subparagraph (d) of paragraph (8) of this subsection;

(9) (a) Is a child who is at least one year of age and under six years of age; and

(b) Is a member of a family whose income does not exceed 133% of the poverty level and who meets the federal Medicaid eligibility requirements set forth in section 9401 of Pub.L.99-509 (42 U.S.C. §1396a);

(10) Is a pregnant woman who is determined by a provider to be presumptively eligible for medical assistance based on criteria established by the commissioner, pursuant to section 9407 of Pub.L.99-509 (42 U.S.C. §1396a(a));

(11) Is an individual 65 years of age and older, or an individual who is blind or disabled pursuant to section 301 of Pub.L.92-603 (42 U.S.C. §1382c), whose income does not exceed 100% of the poverty level, adjusted for family size, and whose resources do not exceed 100% of the resource standard used to determine medically needy eligibility pursuant to paragraph (8) of this subsection;

(12) Is a qualified disabled and working individual pursuant to section 6408 of Pub.L.101-239 (42 U.S.C. §1396d) whose income

does not exceed 200% of the poverty level and whose resources do not exceed 200% of the resource standard used to determine eligibility under the Supplemental Security Income Program, P.L.1973, c.256 (C.44:7-85 et seq.);

(13)Is a pregnant woman or is a child who is under one year of age and is a member of a family whose income does not exceed 185% of the poverty level and who meets the federal Medicaid eligibility requirements set forth in section 9401 of Pub.L.99-509 (42 U.S.C.§1396a), except that a pregnant woman who is determined to be a qualified applicant shall, notwithstanding any change in the income of the family of which she is a member, continue to be deemed a qualified applicant until the end of the 60-day period beginning on the last day of her pregnancy;

(14)Is a child born after September 30, 1983 who has attained six years of age but has not attained 19 years of age and is a member of a family whose income does not exceed 100% of the poverty level; or

(15)Is a specified low-income medicare beneficiary pursuant to 42 U.S.C.§1396a(a)10(E)iii whose resources beginning January 1, 1993 do not exceed 200% of the resource standard used to determine eligibility under the Supplemental Security Income program, P.L.1973, c.256 (C.44:7-85 et seq.) and whose income beginning January 1, 1993 does not exceed 110% of the poverty level, and beginning January 1, 1995 does not exceed 120% of the poverty level.

An individual who has, within 36 months, or within 60 months in the case of funds transferred into a trust, of applying to be a qualified applicant for Medicaid services in a nursing facility or a medical institution, or for home or community-based services under section 1915(c) of the federal Social Security Act (42 U.S.C.§1396n(c)), disposed of resources or income for less than fair market value shall be ineligible for assistance for nursing facility services, an equivalent level of services in a medical institution, or home or community-based services under section 1915(c) of the federal Social Security Act (42 U.S.C.§1396n(c)). The period of the ineligibility shall be the number of months resulting from dividing the uncompensated value of the transferred resources or income by the average monthly private payment rate for nursing facility services in the State as determined annually by the commissioner. In the case of multiple resource or income transfers, the resulting penalty periods shall be imposed sequentially. Application of this requirement shall be governed by 42 U.S.C. §1396p(c). In accordance with federal law, this provision is effective for all transfers of resources or income made on or after

August 11, 1993. Notwithstanding the provisions of this subsection to the contrary, the State eligibility requirements concerning resource or income transfers shall not be more restrictive than those enacted pursuant to 42 U.S.C. §1396p(c).

j. "Recipient" means any qualified applicant receiving benefits under this act.

k. "Resident" means a person who is living in the State voluntarily with the intention of making his home here and not for a temporary purpose. Temporary absences from the State, with subsequent returns to the State or intent to return when the purposes of the absences have been accomplished, do not interrupt continuity of residence.

l. "State Medicaid Commission" means the Governor, the Commissioner of Human Services, the President of the Senate and the Speaker of the General Assembly, hereby constituted a commission to approve and direct the means and method for the payment of claims pursuant to this act.

m. "Third party" means any person, institution, corporation, insurance company, public, private or governmental entity who is or may be liable in contract, tort, or otherwise by law or equity to pay all or part of the medical cost of injury, disease or disability of an applicant for or recipient of medical assistance payable under this act.

n. "Governmental peer grouping system" means a separate class of skilled nursing and intermediate care facilities administered by the State or county governments, established for the purpose of screening their reported costs and setting reimbursement rates under the Medicaid program that are reasonable and adequate to meet the costs that must be incurred by efficiently and economically operated State or county skilled nursing and intermediate care facilities.

o. "Comprehensive maternity or pediatric care provider" means any person or public or private health care facility that is a provider and that is approved by the commissioner to provide comprehensive maternity care or comprehensive pediatric care as defined in subsection b. (18) and (19) of section 6 of P.L.1968, c.413 (C.30:4D-6).

p. "Poverty level" means the official poverty level based on family size established and adjusted under Section 673(2) of Subtitle B, the "Community Services Block Grant Act," of Pub.L.97-35 (42 U.S.C. §9902(2)).

2. This act shall take effect immediately.

Approved June 30, 1994.

CHAPTER 66

Note: In approving the following act, certain items were deleted or reduced by the Governor. For a statement of those items, see the Governor's statement appended to Assembly Bill No. 1824 (First Reprint), dated June 30, 1994.

A SUPPLEMENT to "An Act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1994 and regulating the disbursement thereof," approved June 29, 1993 (P.L.1993, c.155).

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

1. In addition to the amounts appropriated under P.L.1993, c.155, there are appropriated out of the General Fund the following sums for the purposes specified:

DIRECT STATE SERVICES	
26 DEPARTMENT OF CORRECTIONS	
10 Public Safety and Criminal Justice	
16 Detention and Rehabilitation	
7025 System-Wide Program Support	
13-7025 Institutional Program	
Support.....	\$20,600,000
Special Purpose:	
Increased Operating Cost	(\$20,600,000)
Total Appropriation, Department of Corrections	<u>\$20,600,000</u>

66 DEPARTMENT OF LAW AND PUBLIC SAFETY	
10 Public Safety and Criminal Justice	
12 Law Enforcement	
1200 Division of State Police	
06-1200 Patrol Activities and Crime Control	\$3,250,000
Personal Services:	
Salaries and Wages	(\$3,250,000)
Total Appropriation, Department of Law and Public Safety.....	<u>\$3,250,000</u>

94 INTERDEPARTMENTAL ACCOUNTS

70 *Governmental Direction, Management and Control*74 *General Government Services*9410 *Employee Benefits*

03-9410 Employee Benefits	\$3,600,000
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Special Purpose:

Temporary Disability Insurance (\$3,600,000)	
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Total Appropriation, Interdepartmental Accounts	\$3,600,000
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Total Appropriation, Direct State Services	<u>\$27,450,000</u>
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GRANTS-IN-AID

26 DEPARTMENT OF CORRECTIONS

10 *Public Safety and Criminal Justice*16 *Detention and Rehabilitation*7025 *System-Wide Program Support--Grants-In-Aid*

13-7025 Institutional Program Support....	\$12,400,000
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State Aid and Grants:

Purchase of Service for Inmates

Incarcerated in County Penal	
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Facilities.....(\$12,400,000)	
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Total Appropriation, Department of Corrections	<u>\$12,400,000</u>
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54 DEPARTMENT OF HUMAN SERVICES

50 *Economic Planning, Development and Security*53 *Economic Assistance and Security*7550 *Division of Family Development--Grants-In-Aid*70 *Government Direction, Management and Control*76 *Management and Administration*7500 *Division of Management and Budget--Grants-In-Aid*

In addition to the amounts hereinabove appropriated to the Division of Management and Budget, there is appropriated \$1,100,000 for the Children and Families Initiative.

In addition to the amounts hereinabove, there is appropriated \$4,000,000 to the Cost of Living Adjustment accounts, to be allocated as follows: \$917,000 to the Division of Mental Health and Hospitals Cost of Living Adjustment--Community Services account, \$1,510,000 to the Division of Mental Health and Hospitals Cost of Living Adjustment--Communi-

ty Programs account, \$25,000 to the Commission for the Blind and Visually Impaired Cost of Living Adjustment--Habilitation and Rehabilitation account, \$128,000 to the Division of Family Development Cost of Living Adjustment account, \$984,000 to the Division of Youth and Family Services Cost of Living Adjustment--Substitute Care account and \$484,000 to the Division of Youth and Family Services Cost of Living Adjustment--General Social Services account.

Total Appropriation, Grants-In-Aid..	<u>\$12,400,000</u>
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STATE AID

22 DEPARTMENT OF COMMUNITY AFFAIRS

40 *Community Development and Environmental Management*

41 *Community Development Management--State Aid*

34 DEPARTMENT OF EDUCATION

30 *Educational, Cultural and Intellectual Development*

31 *Direct Educational Services and Assistance--State Aid*

In addition to the amounts hereinabove appropriated for Miscellaneous Grants-in-Aid, there is appropriated \$300,000 for an Education Excellence Initiative grant to the Pompton Lakes School District.

46 DEPARTMENT OF HEALTH

20 *Physical and Mental Health*

21 *Health Services--State Aid*

In addition to the amounts hereinabove appropriated for Family Health Services, there is appropriated \$3,600,000 for Public health priority funding. The capitation is set at 36 cents for the year ending June 30, 1995 for the purposes of P.L.1966, c.36 (C.26:2F-1 et seq.).

Total Appropriation, General Fund ..	<u>\$39,850,000</u>
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2. This act shall take effect immediately.

Approved June 30, 1994.

CHAPTER 67

Note: In approving the following act, certain items were deleted or reduced by the Governor. For a statement of those items, see the Governor's statement appended to Senate Bill No. 3000, dated June 30, 1994.

AN ACT making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1995 and regulating the disbursement thereof.

ANTICIPATED RESOURCES FOR
THE FISCAL YEAR 1994-95
GENERAL FUND

Undesignated Fund Balance, July 1, 1994 ... \$797,557,000

Major Taxes

Sales	\$3,980,000,000
Corporation Business.....	915,000,000
Motor Fuels	440,000,000
Motor Vehicle Fees.....	390,000,000
Transfer Inheritance.....	312,000,000
Insurance Premiums.....	244,000,000
Cigarette	215,000,000
Petroleum Products Gross Receipts	204,000,000
Public Utility Excise	136,000,000
Corporation Banks and Financial Institutions	121,000,000
Alcoholic Beverage Excise.....	75,000,000
Realty Transfer	48,000,000
Savings Institutions.....	22,000,000
Enhanced Tax Compliance Effort.....	30,000,000
Motor Fuel Use--Motor Carrier	8,000,000
Business Personal Property.....	2,000,000
Tobacco Products Wholesale Sales.....	<u>4,000,000</u>
Total--Major Taxes	<u>\$7,146,000,000</u>

Miscellaneous Taxes, Fees, Revenues

Executive Branch--

Department of Agriculture:

Fertilizer Inspection Fees	\$164,000
Milk Control Licenses and Fees	360,000
Miscellaneous Revenue	1,000
Other Animal, Plant Disease and Pest Control	5,000

Department of Banking:

Bank Assessments	2,800,000
Examination Fees	4,245,000
Licenses and Other Fees	2,627,000
New Jersey Cemetery Board	88,000

Department of Community Affairs:

Affordable Housing and Neighborhood Preservation--Fair Housing	16,325,000
Boarding Home Fees	264,000

Construction Fees	5,034,000
Fire Safety	13,591,000
Hackensack Meadowlands Development Commission Payment	4,000,000
Housing Inspection Fees	5,244,000
Planned Real Estate Development Fees	828,000
Truth in Renting	33,000
Department of Education:	
Academy for the Advancement of Teaching and Administration	275,000
Audit Recoveries	1,900,000
Katzenbach School for the Deaf - Tuition	3,400,000
Miscellaneous Revenue	82,000
Non-Public Schools Textbook Recoveries	500,000
School Construction Inspection Fees...	752,000
State Board of Examiners	1,500,000
Department of Environmental Protection:	
Air Pollution Fees and Fines	9,922,000
Assessments - Cable TV	2,726,000
Assessments - Public Utility	19,676,000
Clean Water Enforcement Act	2,050,000
Coastal Area Development Review Act	115,000
Endangered Species Tax Check-Off....	315,000
Excess Diversion	175,000
Fee Stabilization.....	5,400,000
Freshwater Wetlands - Fees.....	1,150,000
Freshwater Wetlands - Fines	150,000
Hazardous Waste Fees.....	5,343,000
Hazardous Waste Fines	1,200,000
Hunters' and Anglers' Licenses.....	10,652,000
Industrial Site Recovery Act.....	564,000
Laboratory Certification Fees.....	300,000
Laboratory Certification Fines.....	80,000
Liberty State Park.....	320,000
Marina Rentals	394,000
Marine Lands-Preparation and Filing Fees	160,000
Medical Waste.....	3,300,000
Miscellaneous Revenues.....	31,000
Morris Canal Fund.....	48,000
New Jersey Pilot Commissioners	73,000
New Jersey Pollutant Discharge Elimination System	11,493,000
New Jersey Water Supply Authority Debt Service Repayments.....	770,000
Parks Management Fees and Permits ..	4,600,000
Parks Management Fines	122,000
Pesticide Control Fines.....	70,000
Pesticide Control Fees	2,507,000
Radiation Protection Fees	2,124,000
Radiation Protection Fines	100,000
Shellfish and Marine Fisheries	100,000
Solid and Hazardous Waste Disclosure	900,000

Solid Waste - Utility Regulation Assessments	3,089,000
Solid Waste - Utility Regulation Fines	1,200,000
Solid Waste Fines - DEP	350,000
Solid Waste Management Fees - DEP .	6,182,000
Stream Encroachment.....	1,450,000
Toxic Catastrophe Prevention - Fees...	1,462,000
Toxic Catastrophe Prevention - Fines .	300,000
Treatment Works Approval.....	700,000
Underground Storage Tanks.....	983,000
Water Allocation	1,640,000
Water Pollution Judgments - Fines.....	3,000,000
Water Management Supply Regulations	550,000
Water/Wastewater Operators Licenses	70,000
Waterfront Development	350,000
Well Permits/Well Drillers/Pump Installers Licenses	234,000
Wetlands.....	10,000
Worker and Community Right to Know-Fines	100,000
Department of Health:	
Animal Control Act.....	550,000
Consumer Health Penalties.....	640,000
HealthStart	330,000
Rabies Control.....	453,000
Vital Statistics Registration.....	150,000
Hospital Per Adjusted Admission Charge Assessments	3,520,000
Department of Higher Education:	
Bond Interest Recoveries.....	334,000
Department of Human Services:	
Child Care Licensing/Adoption Law...	120,000
Marriage License Fees.....	1,409,000
Maximization of Federal HCFA Reimbursement	24,000,000
Medicaid Uncompensated Care - Acute	229,250,000
Medicaid Uncompensated Care - Psychiatric	179,875,000
Medicaid Uncompensated Care - UMDNJ	18,100,000
Patients' and Residents' Cost Recoveries:	
Developmental Disability	14,802,000
Psychiatric Hospitals	46,256,000
Special Residential Services	6,569,000
School Based Medicaid	45,000,000
Title XIX Health Facility Rate Setting and Inspection	300,000
Department of Insurance:	
Actuarial Services	1,948,000
Licensing and Enforcement	14,375,000
Real Estate Commission.....	3,532,000
Department of Labor:	
Special Compensation Fund	1,509,000
Workers' Compensation Assessment ..	8,876,000
Workplace Standards - Licenses, Permits and Fines	2,238,000
Department of Law and Public Safety:	
Athletic Control Board Fees.....	200,000

Auto Body Repair Shop Licensing	315,000
Beverage Licenses	2,000,000
Division of Consumer Affairs:	
General revenues:	
Charities Registration Section	15,000
Consumer Affairs	2,000
Controlled Dangerous Substances .	100,000
Legalized Games of Chance Control	525,000
Private Employment Agencies	258,000
Weights and Measures - General..	100,000
Professional Examining Board Fees:	
State Board of Architects	849,000
State Board of Audiology and Speech -	
Language Pathology Advisory	128,000
State Board of Certified Public Accountants	818,000
State Board of Chiropractors	305,000
State Board of Cosmetology and Hairstyling	1,346,000
State Board of Dentistry	826,000
State Board of Electrical Contractors	432,000
State Board of Marriage Counselor Examiners	119,000
State Board of Master Plumbers....	323,000
State Board of Medical Examiners	4,393,000
State Board of Mortuary Science...	265,000
State Board of Nursing	2,134,000
State Board of Occupational Therapists and Assistants	100,000
State Board of Ophthalmic Dispensers and	
Ophthalmic Technicians	204,000
State Board of Optometrists	229,000
State Board of Orthotics and Prosthesis	50,000
State Board of Pharmacy	701,000
State Board of Physical Therapy ...	270,000
State Board of Professional Engineers and	
Land Surveyors	982,000
State Board of Professional Planners	242,000
State Board of Psychological Examiners	256,000
State Board of Public Movers and Warehousemen	238,000
State Board of Real Estate Appraisers	550,000
State Board of Respiratory Care....	270,000
State Board of Shorthand Reporting	62,000
State Board of Social Workers	539,000
State Board of Veterinary Medical Examiners	173,000
Drunk Driving Fines	991,000
Federal Commercial Driver License Program	1,354,000
Identical Reflectorized Plates	500,000
Motor Vehicle Security--Responsibility Law	
Administration	8,209,000
Motor Vehicle Surcharge Program .	22,091,000
Motor Vehicle Surcharge Program - Delinquent	66,000,000
Motor Vehicle Surcharge Program - Enhanced	
Collection Effort	24,000,000

Other Boating Fees	2,000
Parking Offenses.....	363,000
Photo Licensing	1,000,000
Pleasure Boat Licenses	2,200,000
Salvage Title Program	527,000
Securities Enforcement	2,185,000
State Police - Fingerprint Fees.....	1,014,000
State Police - Other Licenses	277,000
State Police - Private Detective Licenses	220,000
Uninsured Motorists Program	3,589,000
Violent Crime Compensation	3,500,000
Department of Military and Veterans' Affairs:	
Soldiers' Homes	17,780,000
Department of State:	
Commissions	1,212,000
General Revenue--Fees.....	16,183,000
Department of Transportation:	
Air Safety Fund	1,000,000
Applications and Highway Permits.	600,000
Autonomous Transportation Authorities	24,500,000
Interest on Purchase of Right of Way	63,000
Outdoor Advertising	240,000
Petitions and Motor Carrier Inspections	145,000
Department of the Treasury:	
Casino Fines	600,000
Coin-Operated Telephones	2,000,000
Escrow Interest - Construction Accounts	50,000
Nuclear Emergency Response Assessment	4,053,000
Public Utility Gross Receipts and Franchise Taxes	360,000,000
Public Utility Tax--Administration.	250,000
Railroad Tax - Class II.....	2,600,000
Railroad Tax - Franchise	3,250,000
Sale of Real Property	7,000,000
Surplus Property	81,000
Other Sources:	
Miscellaneous Revenue	500,000
Inter-Departmental Accounts:	
Administration and Investment of Pension	
Funds - Recoveries	36,750,000
Employee Maintenance Deductions	1,400,000
Fringe Benefit Recoveries from Colleges	
and Universities	43,165,000
Fringe Benefit Recoveries from Federal and	
Other Funds.....	68,641,000
Fringe Benefit Recoveries from School Districts	22,050,000
Indirect Cost Recovery - Federal....	8,400,000
New Jersey Sports and Exposition Authority Payment	5,000,000
Rent of State Building Space	1,150,000
Social Security Recoveries from Federal and	
Other Funds.....	29,925,000

Judicial Branch--

Court Fees	36,848,000
Court Unification County Reimbursements	115,500,000
Court Unification Fees, Fines and Assessments	<u>19,643,000</u>
Total--Miscellaneous Taxes, Fees, Revenues	<u>\$1,765,674,000</u>

Interfund Transfers

Alcohol Education Rehabilitation and Enforcement Fund	\$4,000,000
Alternate Benefits Long Term Disability	5,000,000
Beaches and Harbors Fund	99,000
Clean Communities Account Fund	10,968,000
Clean Waters Fund	119,000
Community Development Bond Fund	70,000
Correctional Facilities Construction Fund ...	10,000
Correctional Facilities Construction Fund (Act of 1987)	740,000
Cultural Center and Historic Preservation Fund 1987	1,400,000
Emergency Flood Control Fund.....	87,000
Energy Conservation Fund	506,000
Enterprise Zone Assistance Fund.....	15,000,000
Farmland Preservation Fund	48,000
Fund for the Support of Free Public Schools	6,000,000
Hazardous Discharge Fund.....	500,000
Hazardous Discharge Fund of 1986.....	4,641,000
Hazardous Discharge Site Cleanup Fund.....	14,570,000
Higher Education Buildings Construction Fund (Act of 1971).....	11,000
Housing Assistance Fund.....	100,000
Human Services Facilities Construction Fund	84,000
Institutional Construction Fund	2,000
Institutions Construction Fund.....	1,000
Jobs, Education and Competitiveness Fund..	2,000,000
Jobs, Science and Technology Fund	157,000
Medical Education Facilities Fund	8,000
Mortgage Assistance Fund.....	820,000
Motor Vehicle Security Responsibility Fund	5,000
New Jersey Bridge Rehabilitation and Improvement and Railroad Right-of-Way Preservation Fund	1,100,000
Natural Resources Fund.....	62,000
New Jersey Bridge Rehabilitation and Improvement Fund	458,000
New Jersey Green Acres Fund (1983)	705,000
New Jersey Spill Compensation Security Fund Administrative Costs.....	16,513,000
Outstanding Checks Account.....	525,000
Pollution Prevention Fund	3,625,000
Public Buildings Construction Fund	5,000
Public Purpose and Community-Based Facilities Construction Fund	1,302,000
Public Purpose Buildings Construction Fund	464,000
Resource Recovery Investment Fund.....	350,000
Safe Drinking Water Fund	5,950,000
Sanitary Landfill Facility Contingency Fund	12,190,000

School Fund Investment Account	2,345,000
Shore Protection Fund	453,000
Solid Waste Services Tax Fund	65,000
State Disability Benefit Fund General Account	25,025,000
State Land Acquisition and Development Fund	70,000
State Lottery Fund	618,000,000
State Lottery Fund Administration	17,346,000
State Recreation and Conservation Land Acquisition Fund (Act of 1971)	40,000
State Recreation and Conservation Land Acquisition and Development	37,000
State Recycling Fund	15,632,000
State of New Jersey Cash Management Fund	2,166,000
Stormwater Management and Combined Sewer Overflow Abatement Fund	720,000
Transportation Rehabilitation and Improvement Fund of 1979	550,000
Unclaimed Personal Property Trust Fund	41,700,000
Unclaimed Personal Property Trust Fund - Acceleration	45,000,000
Unemployment Compensation Tax Auxiliary Fund	13,161,000
Unsatisfied Claim and Judgment Fund	1,670,000
Wage and Hour Trust Fund	75,000
Water Conservation Fund	91,000
Water Supply Fund	12,825,000
Worker and Community Right to Know Fund	3,167,000
Total--Interfund Transfers	<u>\$910,333,000</u>
Total Revenues, General Fund	<u>\$9,822,007,000</u>
Total Resources, General Fund	<u>\$10,619,564,000</u>

Surplus Revenue Fund

Undesignated Fund Balance, July 1, 1994....	<u>\$153,828,000</u>
Total Resources, Surplus Revenue Fund..	<u>\$153,828,000</u>

Property Tax Relief Fund

Undesignated Fund Balance, July 1, 1994....	\$0
Enhanced Tax Compliance Effort	25,000,000
Gross Income Tax	<u>4,557,000,000</u>
Total Resources, Property Tax Relief Fund	<u>\$4,582,000,000</u>

Gubernatorial Elections Fund

Undesignated Fund Balance, July 1, 1994....	\$0
Taxpayers' Designations	<u>1,500,000</u>
Total Resources, Gubernatorial Elections Fund	<u>\$1,500,000</u>

Casino Control Fund

License Fees	<u>\$57,371,000</u>
Total Resources, Casino Control Fund....	<u>\$57,371,000</u>

Casino Revenue Fund

Undesignated Fund Balance, July 1, 1994....	\$23,894,000
Gross Revenue Tax	285,000,000

Interfund Transfer.....	11,000,000
Investment Income.....	<u>2,000,000</u>
Total Resources, Casino Revenue Fund...	<u>\$321,894,000</u>
Total Resources, All State Funds	<u>\$15,736,157,000</u>
Grand Total Resources, All Funds	<u>\$15,736,157,000</u>

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

1. The appropriations herein or so much thereof as may be necessary are hereby appropriated out of the General Fund, or such other sources of funds specifically indicated or as may be applicable, for the respective public officers and spending agencies and for the several purposes herein specified for the fiscal year ending on June 30, 1995. Unless otherwise provided, the appropriations herein made shall be available during said fiscal year and for a period of one month thereafter for expenditures applicable to said fiscal year. Unless otherwise provided, at the expiration of said one-month period, all unexpended balances shall lapse into the State Treasury or to the credit of trust, dedicated or non-State funds as applicable, except those balances held by encumbrances on file as of June 30, 1995 with the Director of the Division of Budget and Accounting or held by pre-encumbrances on file as of June 30, 1995 as determined by the Director of the Division of Budget and Accounting. The Director of the Division of Budget and Accounting shall provide the Legislative Budget and Finance Officer with a listing of all pre-encumbrances outstanding as of July 31, 1995 together with an explanation of their status. Nothing contained in this section or in this act shall be construed to prohibit the payment due upon any encumbrance or pre-encumbrance made under any appropriation contained in any appropriation act of the previous year or years. Furthermore, balances held by pre-encumbrances as of June 30, 1994 are available for payments applicable to Fiscal Year 1994 as determined by the Director of the Division of Budget and Accounting. The Director of the Division of Budget and Accounting shall provide the Legislative Budget and Finance Officer with a listing of all pre-encumbrances outstanding as of July 31, 1994 together with an explanation of their status. On or before December 1, 1994, the State Treasurer, in accordance with the provisions of section 37 of article 3 of P.L.1944, c.112 (C.52:27B-46), shall transmit to the Legislature the Annual Financial Report of the State of New Jersey for the fiscal year ending June 30, 1994, depicting the financial condition of the State and the results of operation for the fiscal year ending June 30, 1994.

DIRECT STATE SERVICES
LEGISLATIVE BRANCH
01 LEGISLATURE
70 Government Direction, Management and Control
71 Legislative Activities
0001 Senate

01-0001 Senate	<u>\$9,035,000</u>
Total Appropriation, Senate	<u>\$9,035,000</u>

Personal Services:

Senators (40)	(\$1,412,000)
Salaries and Wages	(3,020,000)
Members' Staff Services	(3,600,000)
Materials and Supplies	(132,000)
Services Other Than Personal	(818,000)
Maintenance and Fixed Charges	(30,000)
Additions, Improvements and Equipment	(23,000)

The unexpended balance as of June 30, 1994 in this account is appropriated.

0002 General Assembly

02-0002 General Assembly	<u>\$13,390,000</u>
Total Appropriation, General Assembly ..	<u>\$13,390,000</u>

Personal Services:

Members (80)	(\$2,812,000)
Salaries and Wages	(3,800,000)
Members' Staff Services	(5,960,000)
Materials and Supplies	(158,000)
Services Other Than Personal	(510,000)
Maintenance and Fixed Charges	(100,000)
Additions, Improvements and Equipment	(50,000)

The unexpended balance as of June 30, 1994 in this account is appropriated.

Total Appropriation, Legislature	<u>\$22,425,000</u>
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0003 Office of Legislative Services

03-0003 Legislative Support Services	<u>\$20,102,000</u>
Total Appropriation, Office of Legislative Services	<u>\$20,102,000</u>

Personal Services:

Salaries and Wages	(\$12,947,000)
Materials and Supplies	(1,400,000)
Services Other Than Personal	(2,520,000)
Maintenance and Fixed Charges	(2,417,000)

Special Purpose:

Affirmative Action and Equal Employment Opportunity	(23,000)
Annex Relocation	(725,000)
Additions, Improvements and Equipment	(70,000)

The unexpended balance as of June 30, 1994 in this account is appropriated.

Such sums as may be required for the cost of information system audits performed by the State Auditor are funded from the departmental data processing accounts of the department in which the audits are performed.

The sums appropriated for the continuation and expansion of data processing systems shall be available for the Legislature in order to plan, acquire and install a comprehensive electronic data processing system, including software acquisition and training in connection with the system, as the Legislative Services Commission shall determine. No funds shall be expended or otherwise made available except upon the approval of the Legislative Information Systems Committee of the Legislative Services Commission and the Commission. The Legislative Services Commission may authorize the expenditure of funds for such capital alterations as may be required to permit the installation of data processing equipment into the State House or State House Annex, including electrical service, climate control, and facility utilization.

Receipts derived from fees and charges for public access to legislative information systems, and the unexpended balances as of June 30, 1994 of such receipts are appropriated and shall be credited to a non-lapsing revolving fund established in and administered by the Office of Legislative Services for the purpose of continuing to modernize, maintain and expand the dissemination and availability of legislative information.

There are appropriated such sums as are required for Master Lease payments, subject to the approval of the Director of the Division of Budget and Accounting and the Legislative Budget and Finance Officer.

In addition to the sum hereinabove for Annex Relocation, there are appropriated such additional amounts not to exceed \$152,000 as may be required to pay for expenses incurred in or associated with the relocation of the Office of Legislative Services or other legislative offices to the State House Annex, subject to certification of such expenses by the Executive Director of the Office of Legislative Services.

09 Legislative Commissions

0010 Intergovernmental Relations Commission

09-0010 Intergovernmental Relations Commission	<u>\$295.000</u>
Total Appropriation, Intergovernmental Relations Commission	<u>\$295.000</u>

Special Purpose:

The Council of State Governments	(\$120,000)
National Conference of State Legislatures	(132,000)
Northeast-Midwest Research Institute	(43,000)

The unexpended balance as of June 30, 1994 in this account is appropriated.

0014 Joint Committee on Public Schools

09-0014 Joint Committee on Public Schools	<u>\$395,000</u>
Total Appropriation, Joint Committee on Public Schools	<u>\$395,000</u>

Special Purpose:

Expenses of Commission	(\$395,000)
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The unexpended balance as of June 30, 1994 in this account is appropriated.

0018 State Commission of Investigation

09-0018 State Commission of Investigation.	<u>\$1,900,000</u>
Total Appropriation, State Commission of Investigation	<u>\$1,900,000</u>

Special Purpose:

Expenses of Commission	(\$1,900,000)
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The unexpended balance as of June 30, 1994 in this account is appropriated.

0025 Commission to Study Sex Discrimination in the Statutes

09-0025 Commission to Study Sex Discrimination in the Statutes	<u>\$100,000</u>
Total Appropriation, Commission to Study Sex Discrimination in the Statutes	<u>\$100,000</u>

Special Purpose:

Expenses of Commission	(\$100,000)
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The unexpended balance as of June 30, 1994 in this account is appropriated.

0026 Commission On Business Efficiency In The Public Schools

09-0026 Commission On Business Efficiency In The Public Schools	<u>\$60,000</u>
Total Appropriation, Commission On Business Efficiency In The Public Schools	<u>\$60,000</u>

Special Purpose:

Expenses of Commission	(\$60,000)
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The unexpended balance as of June 30, 1994 in this account is appropriated.

0040 Apportionment Commission

Such sums not in excess of \$7,560 as may be necessary to pay outstanding claims against the Apportionment Commission are appropriated.

0053 New Jersey Law Revision Commission

09-0053 New Jersey Law Revision Commission	<u>\$270,000</u>
Total Appropriation, New Jersey Law Revision Commission	<u>\$270,000</u>
Special Purpose:	
Expenses of Commission	(\$270,000)

The unexpended balance as of June 30, 1994 in this account is appropriated.

0058 State Capitol Joint Management Commission

09-0058 State Capitol Joint Management Commission	<u>\$1,339,000</u>
Total Appropriation, State Capitol Joint Management Commission	<u>\$1,339,000</u>
Special Purpose:	
Expenses of Commission	(\$1,339,000)

The unexpended balance as of June 30, 1994 in this account is appropriated.

0060 New Jersey Information Resources Management Commission

There are appropriated, subject to the approval of the Director of the Division of Budget and Accounting, such sums as may be required to support the New Jersey Information Resources Management Commission.

Total Appropriation, Legislative Commissions	<u>\$4,359,000</u>
Total Appropriation, Legislative Branch .	<u>\$46,886,000</u>

EXECUTIVE BRANCH

06 OFFICE OF THE CHIEF EXECUTIVE

*70 Government Direction, Management and Control**76 Management and Administration**0300 Chief Executive's Office*

01-0300 Executive Management	<u>\$4,120,000</u>
Total Appropriation, Chief Executive's Office	<u>\$4,120,000</u>
Personal Services:	
Salaries and Wages	(\$3,100,000)
Materials and Supplies.....	(113,000)
Services Other Than Personal.....	(654,000)
Maintenance and Fixed Charges	(136,000)
Special Purpose:	
Brian Stack Intern Program.....	(10,000)
Allowance to the Governor of Funds Not Otherwise Appropriated, For Official Reception on Behalf of the State, Operation of an Official Residence and Other Expenses.....	(75,000)
Additions, Improvements and Equipment.....	(32,000)

The unexpended balance as of June 30, 1994 in this account is appropriated.

0010 Intergovernmental Relations Commission

06-0010 Intergovernmental Relations Commission		<u>\$295,000</u>
Total Appropriation, Intergovernmental Relations Commission		<u>\$295,000</u>
Special Purpose:		
Education Commission of the State	(\$80,000)	
National Governor's Association	(169,000)	
Coalition of Northeast Governors	(46,000)	
Total Appropriation, Chief Executive's Office		<u>\$4,415,000</u>

10 DEPARTMENT OF AGRICULTURE

*40 Community Development and Environmental Management**42 Natural Resource Management*

01-3310 Animal Disease Control		\$772,000
02-3320 Plant Pest and Disease Control		1,701,000
03-3330 Resource Development Services		<u>1,541,000</u>
Total Appropriation, Natural Resource Management		<u>\$4,014,000</u>
Personal Services:		
Salaries and Wages	(\$2,083,000)	
Materials and Supplies	(118,000)	
Services Other Than Personal	(134,000)	
Maintenance and Fixed Charges	(107,000)	
Special Purpose:		
Beneficial Insect Laboratory	(500,000)	
Agricultural Recycling Program	(186,000)	
Agricultural Right-To-Farm Program	(148,000)	
Agricultural Economic Analysis and Development Program	(170,000)	
State Soil Conservation Program	(275,000)	
Agricultural Regulatory Mitigation/ Mediation Program	(148,000)	
Fish and Seafood Development and Promotion	(100,000)	
Future Farmers' Youth Development	(45,000)	

Receipts from laboratory test fees are appropriated to support the animal health laboratory program.

The unexpended balance as of June 30, 1994 in the animal health laboratory program is appropriated for the same purpose.

Receipts from the sale or studies of beneficial insects are appropriated to support the Beneficial Insect Laboratory.

The unexpended balance as of June 30, 1994 in the Beneficial Insect Laboratory account is appropriated for the same purpose.

Receipts from the seed laboratory testing and certification programs are appropriated for program costs.

Receipts from the nursery inspection program are appropriated for program costs.

The unexpended balance as of June 30, 1994 in the Nursery Inspection Program account is appropriated for the same purpose.

Receipts derived from the Soybean Integrated Pest Management Program, and the unexpended balance as of June 30, 1994 are appropriated for the same purpose.

Receipts as a result of fee increases over and above those anticipated are appropriated for the same purpose.

Receipts from the Stormwater Discharge Permit program fees are appropriated for program costs.

The unexpended balance as of June 30, 1994 in the Stormwater Discharge Permit Program account is appropriated for the same purpose.

50 Economic Planning, Development and Security

51 Economic Planning and Development

06-3360 Marketing Services..... \$2,579,000

Total Appropriation, Economic Planning and Development \$2,579,000

Personal Services:

Salaries and Wages	(\$611,000)
Materials and Supplies.....	(10,000)
Services Other Than Personal.....	(46,000)
Maintenance and Fixed Charges	(28,000)

Special Purpose:

Promotion/Market Development	(1,266,000)
Market Expansion Program.....	(200,000)
Wine Promotion Program.....	(30,000)
Temporary Emergency Food Assistance Program	(388,000)

Receipts derived from the distribution of commodities, sale of containers and salvage of commodities, in accordance with applicable federal regulations, and the unexpended balance of such receipts as of June 30, 1994, are appropriated for expenses of Commodity Distribution.

The unexpended balances as of June 30, 1994 in the Promotion/Market Development account are appropriated for the same purpose.

Revenues in excess of those anticipated, generated at the rate of \$20 per gallon of wine, vermouth and sparkling wines sold by plenary winery and farm winery licensees licensed pursuant to R.S.33:1-10, and certified by the Director of the Division of Taxation, are appropriated to the Department of Agriculture from the alcoholic beverage excise tax for expenses of the Wine Promotion Program. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Receipts as the result of fee increases over and above those anticipated are appropriated for the same purpose.

52 Economic Regulation

04-3340 Dairy Industry Regulation	\$432,000
05-3350 Other Commodity Regulation.....	<u>671,000</u>
Total Appropriation, Economic Regulation	<u>\$1,103,000</u>

Personal Services:

Salaries and Wages	(\$993,000)
Materials and Supplies	(7,000)
Services Other Than Personal.....	(57,000)
Maintenance and Fixed Charges.....	(46,000)

Receipts from inspection fees derived from fruit, vegetable, fish and poultry inspections, and the unexpended balance as of June 30, 1994 of such receipts are appropriated for the cost of conducting fruit, vegetable, fish and poultry inspections.

Receipts as the result of fee increases over and above those anticipated are appropriated for the same purpose.

*70 Government Direction, Management and Control**76 Management and Administration*

99-3370 Management and Administrative Services	<u>\$1,425,000</u>
Total Appropriation, Management and Administration	<u>\$1,425,000</u>

Personal Services:

Salaries and Wages	(\$1,033,000)
Materials and Supplies	(13,000)
Services Other Than Personal.....	(83,000)
Maintenance and Fixed Charges.....	(30,000)

Special Purpose:

Expenses of State Board of Agriculture...	(18,000)
Affirmative Action and Equal Employment Opportunity.....	(28,000)
Additions, Improvements and Equipment	(220,000)

Total Appropriation, Department of Agriculture	<u>\$9,121,000</u>
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14 DEPARTMENT OF BANKING

*50 Economic Planning, Development and Security**52 Economic Regulation*

01-3010 Regulatory Affairs - Licensing, Applications and Consumer Affairs.....	\$975,000
02-3020 Supervision and Examination of Financial Institutions	4,984,000
99-3040 Management and Administrative Services	<u>673,000</u>
Total Appropriation, Economic Regulation	<u>\$6,632,000</u>

Personal Services:

Salaries and Wages	(\$5,812,000)
Materials and Supplies	(77,000)
Services Other Than Personal.....	(656,000)
Maintenance and Fixed Charges.....	(30,000)

Special Purpose:

Affirmative Action and Equal Employment Opportunity	(10,000)
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Additions, Improvements and Equipment..... (47,000)

The unexpended balance as of June 30, 1994 in the Pinelands Development Credit Bank account in excess of \$1,000,000 is appropriated for the same purpose.

Receipts in excess of anticipated revenues from examination and licensing fees, bank assessments, fines and penalties are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Banking \$6,632,000

20 DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

30 Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services

10-2920 Public Broadcasting Services..... \$5,737,000

Total Appropriation, Cultural and

Intellectual Development Services \$5,737,000

Personal Services:

Salaries and Wages (\$4,512,000)

Materials and Supplies..... (313,000)

Services Other Than Personal..... (501,000)

Maintenance and Fixed Charges (141,000)

Special Purpose:

Affirmative Action and Equal

Employment Opportunity (20,000)

Additions, Improvements and Equipment..... (250,000)

50 Economic Planning, Development and Security

51 Economic Planning and Development

20-2800 Economic Development..... \$1,617,000

20-2840 Economic Development..... 272,000

21-2850 International Trade 1,013,000

22-2860 Travel and Tourism 5,961,000

23-2880 Economic Research and Planning... 474,000

26-2810 Development for Small Businesses and

Women and Minority Businesses 1,275,000

99-2910 Management and Administrative Services 1,086,000

Total Appropriation, Economic Planning and Development \$11,698,000

Personal Services:

Salaries and Wages (\$4,409,000)

Materials and Supplies..... (126,000)

Services Other Than Personal..... (463,000)

Maintenance and Fixed Charges (109,000)

Special Purpose:

Economic Development, Advertising

and Promotion (350,000)

International Trade Advertising and Promotion (100,000)

Trade Shows, Missions and Promotions ..	(300,000)
Travel and Tourism, Advertising and Promotion	(3,298,000)
Travel and Tourism, Advertising and Promotion - Cooperative Marketing Program	(2,000,000)
Small Business Development Center	(500,000)
Affirmative Action and Equal Employment Opportunity	(30,000)
Additions, Improvements and Equipment	(13,000)

The amount necessary to provide employer rebate awards as a result of the "New Jersey Urban Enterprise Zone Act," P.L.1983, c.303 (C.52:27H-60 et seq.), and the administrative costs incurred by the Department of Labor and the Division of Taxation to meet the statutory requirements of this program are appropriated from the Unemployment Compensation Auxiliary Fund, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated from the enterprise zone assistance fund such sums as are necessary for administrative services provided to the Urban Enterprise Zone Authority by the Department of Commerce and Economic Development in accordance with the provisions of P.L.1983, c.303 (C.52:27H-60 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove for the Economic Development, Advertising and Promotion account and the International Trade, Advertising and Promotion account shall be allocated between these programs as the commissioner deems appropriate.

The unexpended balance as of June 30, 1994 for the Council of Economic Advisors is appropriated.

The amount hereinabove for Travel and Tourism, Advertising and Promotion - Cooperative Marketing Program shall be available for expenditure only to the extent that an amount equal to 25% of the State funds are expended from funds raised by the Division of Travel and Tourism pursuant to subsection j. of section 9 of P.L.1977, c.225 (C.34:1A-53), through contributions from private tourism industry concerns and non-State public entities, as determined by the Director of the Division of Budget and Accounting.

The Director of the Division of Travel and Tourism shall report semi-annually on the expenditure of State funds and private contributions during the preceding six months for the Travel and Tourism, Advertising and Promotion Program and the

Travel and Tourism, Advertising and Promotion - Cooperative Marketing Program. The first semi-annual report covering the first six months of Fiscal Year 1995 shall be completed not later than January 31, 1995, the second semi-annual report covering the second six months of Fiscal Year 1995 shall be completed not later than July 31, 1995 and both reports shall be submitted to the Governor and the Joint Budget Oversight Committee.

Of the sums hereinabove appropriated for the Travel and Tourism Advertising and Promotion account, the Director of the Division of Travel and Tourism shall expend such amounts as the director determines will encourage the optimum effective continuing operation of each of the Tourist Welcome Centers, including but not limited to, the transfer of the operation of the centers to private, nonprofit entities, whether under lease arrangements or such other agreements as the director may determine.

2890 New Jersey Commission on Science and Technology

24-2890 New Jersey Commission on Science and Technology	<u>\$353,000</u>
Total Appropriation, New Jersey Commission on Science and Technology	<u>\$353,000</u>
Personal Services:	
Salaries and Wages	(\$291,000)
Materials and Supplies	(10,000)
Services Other Than Personal	(41,000)
Maintenance and Fixed Charges	(11,000)
Total Appropriation, Department of Commerce and Economic Development	<u>\$17,788,000</u>

22 DEPARTMENT OF COMMUNITY AFFAIRS

40 Community Development and Environmental Management

41 Community Development Management

01-8010 Housing Code Enforcement	\$4,356,000
02-8020 Housing Services	3,032,000
04-8030 Local Government Services	2,243,000
06-8015 Uniform Construction Code	3,429,000
12-8025 Boarding Home Regulation and Assistance	1,098,000
18-8017 Uniform Fire Code	<u>3,966,000</u>
Total Appropriation, Community Development Management	<u>\$18,124,000</u>
Personal Services:	
Board Members (7@ \$12,000)	(\$84,000)
Salaries and Wages	(12,357,000)
Materials and Supplies	(232,000)
Services Other Than Personal	(1,382,000)
Maintenance and Fixed Charges	(1,021,000)

Special Purpose:

Prevention of Homelessness P.L.1984, c.180 (C.52:27D-280 et seq.)	(243,000)
Truth in Renting.....	(40,000)
Neighborhood Preservation-Fair Housing P.L.1985, c.222 (C.52:27D-301 et seq.)	(1,050,000)
Council on Affordable Housing	(1,350,000)
Local Fire Fighters' Training	(360,000)
Additions, Improvements and Equipment	(5,000)

The amount hereinabove for the Housing Code Enforcement program classification is payable out of the fees and penalties derived from bureau activities. If the receipts are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance as of June 30, 1994 in the Housing Code Enforcement program classification, together with any receipts in excess of the amount anticipated, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Truth in Renting account is payable out of the revenue derived from the sale of truth in renting statements, including fees, fines, and penalties. If receipts are less than the amount anticipated, the appropriation shall be reduced proportionately.

Any receipts in excess of the amount anticipated for Truth in Renting are appropriated.

Receipts from the New Jersey Housing and Mortgage Finance Agency charges for the Affordable Housing Management Service to municipalities and the unexpended balance as of June 30, 1994 are appropriated for the operation of the Affordable Housing Management Service within the Division of Housing.

The amount hereinabove for the Council on Affordable Housing and Neighborhood Preservation-Fair Housing accounts are payable from the receipts of the portion of the realty transfer tax directed to be credited to the Neighborhood Preservation Nonlapsing Revolving Fund pursuant to section 4 of P.L.1968, c.49 (C.46:15-8) and from the receipts of the portion of the realty transfer tax directed to be credited to the Neighborhood Preservation Nonlapsing Revolving Fund pursuant to section 4 of P.L.1975, c.176 (C.46:15-101). In addition, receipts in excess of the amount anticipated are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from the Division of Local Government Services are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Fees for Local government, authority, and special district audits, education program administration, debt financing, expedited budget review and other fiscal services are appropriated for associated expenses, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1994 in the Uniform Construction Code fees account, together with any receipts in excess of the amount anticipated, are appropriated for expenses of code enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1994 in the Planned Real Estate Development Full Disclosure Act fees account together with any receipts in excess of the amount anticipated are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts received by the Uniform Construction Code Revolving Fund attributable to that portion of the surcharge fee in excess of \$0.0006, and to surcharges on other construction, are dedicated to the general support of the Uniform Construction Code Program, and, notwithstanding the provisions of section 2 of P.L.1979, c.121 (C.52:27D-124.1), are available for training and non-training purposes.

Such sums as may be required for the registration of builders and reviewing and paying claims under the "New Home Warranty and Builders' Registration Act," P.L.1977, c.467 (C.46:3B-1 et seq.), are appropriated from the new home warranty security fund in accordance with section 7 of P.L.1977, c.467 (C.46:3B-7), subject to the approval of the Director of the Division of Budget and Accounting.

Pursuant to section 15 of P.L.1983, c.530 (C.55:14K-15), the commissioner shall determine, at least annually, the eligibility of each boarding house resident for rental assistance payments; and any appropriations made from the "Boarding House Rental Assistance Fund" created pursuant to section 14 of P.L.1983, c.530 (C.55:14K-14) may be used by the commissioner to make payments to the Housing and Mortgage Finance Agency, in the form of rental assistance or

otherwise, necessary to meet debt service on Housing and Mortgage Finance Agency Life Safety Improvement Loans.

The amounts hereinabove for the Uniform Fire Code program classification are payable out of the fees and penalties derived from code enforcement activities. If these receipts are less than anticipated, the appropriations shall be reduced proportionately.

The unexpended balance as of June 30, 1994 in the Uniform Fire Code program classification, together with any receipts in excess of the amount anticipated are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

50 Economic Planning, Development and Security

55 Social Services Programs

05-8050 Community Resources	\$305,000
08-8060 Programs for the Aging	703,000
14-8061 Ombudsman's Office.....	295,000
15-8051 Women's Programs	911,000
16-8062 Office of the Public Guardian.....	<u>719,000</u>
Total Appropriation, Social Services Programs	<u>\$2,933,000</u>

Personal Services:

Salaries and Wages	(\$1,737,000)
Materials and Supplies	(98,000)
Services Other Than Personal.....	(411,000)
Maintenance and Fixed Charges.....	(69,000)

Special Purpose:

Federal Programs For the Aging (State Share)	(410,000)
Expenses of the New Jersey Commission on Women	(7,000)
Office on the Prevention of Violence Against Women.....	(200,000)
Additions, Improvements and Equipment	(1,000)

In addition to the amount hereinabove for the Ombudsman's Office, there are appropriated, subject to the approval of the Director of the Division of Budget and Accounting, additional sums as may be required, if any, equal to the difference between \$543,000 and the amount of federal funds received, whereby the total funds available to the office equals \$838,000.

Receipts from divorce filing fees pursuant to P.L.1993, c.188 are appropriated.

Receipts from the Office of the Public Guardian are appropriated.

70 Government Direction, Management and Control

76 Management and Administration

99-8070 Management and Administrative Services	<u>\$2,635,000</u>
Total Appropriation, Management and Administration	<u>\$2,635,000</u>

Personal Services:

Salaries and Wages	(\$2,164,000)
Materials and Supplies	(12,000)
Services Other Than Personal	(350,000)
Maintenance and Fixed Charges	(48,000)

Special Purpose:

Affirmative Action and Equal Employment Opportunity	(60,000)
Additions, Improvements and Equipment	(1,000)

Total Appropriation, Department of Community Affairs \$23,692,000

26 DEPARTMENT OF CORRECTIONS

*10 Public Safety and Criminal Justice**16 Detention and Rehabilitation**7025 System-Wide Program Support*

07-7025 Institutional Control and Supervision	\$10,132,000
13-7025 Institutional Program Support	23,289,000
Total Appropriation, System-Wide Program Support	<u>\$33,421,000</u>

Personal Services:

Salaries and Wages	(\$17,489,000)
Food in Lieu of Cash	(1,945,000)
Materials and Supplies	(2,000)
Services Other Than Personal	(3,135,000)

Special Purpose:

Ameri-I-Can Pilot Program	(1,500,000)
Central Office Transportation Unit	(200,000)
Special Operations Group	(106,000)
Integrated Information Systems Development	(417,000)
Augment Medical Care At Institutions	(385,000)
Social Services Block Grant Support	(83,000)
Additional Trunk Lines	(584,000)
Return of Escapees and Absconders	(176,000)
Emergency Facility Repairs	(100,000)
Mutual Agreement Program	(2,282,000)
Recruit Screening Program	(78,000)
Radio Maintenance	(160,000)
Maintenance of McCorkle Facility	(320,000)
DOC/DOT Work Details	(500,000)
Comprehensive Drug Treatment Program	(802,000)
Establishment of Youthful Offender "Boot Camp"	(3,000,000)
Office of the Ombudsman	(100,000)
Additions, Improvements and Equipment	(57,000)

7040 New Jersey State Prison

07-7040 Institutional Control and Supervision	\$44,057,000
08-7040 Institutional Care Program	17,578,000
09-7040 Institutional Treatment Program	2,574,000
10-7040 Education Program	1,017,000
19-7040 Physical Plant and Support Services	5,973,000

99-7040 Management and Administrative Services	<u>1,423,000</u>
Total Appropriation, New Jersey State Prison	<u>\$72,622,000</u>
Personal Services:	
Salaries and Wages	(\$51,522,000)
Materials and Supplies	(9,773,000)
Services Other Than Personal.....	(10,424,000)
Maintenance and Fixed Charges.....	(788,000)
Special Purpose:	
Other Special Purpose.....	(3,000)
Additions, Improvements and Equipment	(112,000)

7050 East Jersey State Prison

07-7050 Institutional Control and Supervision	\$31,962,000
08-7050 Institutional Care Program	12,234,000
09-7050 Institutional Treatment Program.....	2,770,000
10-7050 Education Program	571,000
19-7050 Physical Plant and Support Services	3,984,000
22-7050 Northern Regional Pre-Release Center	4,834,000
99-7050 Management and Administrative Services	<u>985,000</u>
Total Appropriation, East Jersey State Prison	<u>\$57,340,000</u>
Personal Services:	
Salaries and Wages	(\$40,314,000)
Materials and Supplies	(8,831,000)
Services Other Than Personal.....	(7,216,000)
Maintenance and Fixed Charges.....	(866,000)
Special Purpose:	
Other Special Purpose.....	(2,000)
Additions, Improvements and Equipment	(111,000)

7060 Bayside State Prison

07-7060 Institutional Control and Supervision	\$25,671,000
08-7060 Institutional Care Program	9,510,000
09-7060 Institutional Treatment Program.....	2,016,000
10-7060 Education Program	632,000
19-7060 Physical Plant and Support Services	3,824,000
23-7060 Bayside Reception Unit.....	3,185,000
99-7060 Management and Administrative Services	<u>1,339,000</u>
Total Appropriation, Bayside State Prison	<u>\$46,177,000</u>
Personal Services:	
Salaries and Wages	(\$31,679,000)
Materials and Supplies	(7,087,000)
Services Other Than Personal.....	(4,676,000)
Maintenance and Fixed Charges.....	(964,000)
Special Purpose:	
Sewage Hauling and Disposal Costs	(250,000)
Other Additional Bed Spaces	(1,408,000)
Other Special Purpose.....	(3,000)
Additions, Improvements and Equipment	(110,000)

7065 Southern State Correctional Facility

07-7065 Institutional Control and Supervision	\$25,481,000
08-7065 Institutional Care Program.....	7,686,000
09-7065 Institutional Treatment Program.....	2,216,000
10-7065 Education Program	703,000
19-7065 Physical Plant and Support Services	2,596,000
99-7065 Management and Administrative Services	<u>1,220,000</u>
Total Appropriation, Southern State Correctional Facility	<u>\$39,902,000</u>

Personal Services:

Salaries and Wages	(\$30,198,000)
Materials and Supplies.....	(4,709,000)
Services Other Than Personal	(4,021,000)
Maintenance and Fixed Charges	(864,000)
Additions, Improvements and Equipment.....	(110,000)

7070 Mid-State Correctional Facility

07-7070 Institutional Control and Supervision	\$10,923,000
08-7070 Institutional Care Program.....	4,129,000
09-7070 Institutional Treatment Program.....	1,087,000
10-7070 Education Program	295,000
19-7070 Physical Plant and Support Services	1,150,000
99-7070 Management and Administrative Services	<u>595,000</u>
Total Appropriation, Mid-State Correctional Facility	<u>\$18,179,000</u>

Personal Services:

Salaries and Wages	(\$13,045,000)
Materials and Supplies.....	(1,681,000)
Services Other Than Personal	(2,255,000)
Maintenance and Fixed Charges	(248,000)
Special Purpose:	
Expanded Capacity	(839,000)
Additions, Improvements and Equipment.....	(111,000)

7075 Riverfront State Prison

07-7075 Institutional Control and Supervision	\$16,280,000
08-7075 Institutional Care Program.....	8,500,000
09-7075 Institutional Treatment Program.....	1,887,000
10-7075 Education Program	408,000
19-7075 Physical Plant and Support Services	1,955,000
99-7075 Management and Administrative Services	<u>1,023,000</u>
Total Appropriation, Riverfront State Prison	<u>\$30,053,000</u>

Personal Services:

Salaries and Wages	(\$20,823,000)
Materials and Supplies.....	(3,771,000)
Services Other Than Personal.....	(5,033,000)
Maintenance and Fixed Charges	(313,000)
Special Purpose:	
Other Special Purpose	(3,000)
Additions, Improvements and Equipment.....	(110,000)

7080 Edna Mahan Correctional Facility for Women

07-7080 Institutional Control and Supervision	\$17,087,000
08-7080 Institutional Care Program	9,569,000
09-7080 Institutional Treatment Program.....	1,484,000
10-7080 Education Program	423,000
19-7080 Physical Plant and Support Services	3,233,000
99-7080 Management and Administrative Services	<u>1,051,000</u>
Total Appropriation, Edna Mahan Correctional Facility for Women	<u>\$32,847,000</u>
Personal Services:	
Salaries and Wages	(\$22,817,000)
Materials and Supplies	(4,524,000)
Services Other Than Personal.....	(4,915,000)
Maintenance and Fixed Charges.....	(482,000)
Additions, Improvements and Equipment	(109,000)

7085 Northern State Prison

07-7085 Institutional Control and Supervision	\$35,014,000
08-7085 Institutional Care Program	13,689,000
09-7085 Institutional Treatment Program.....	2,453,000
10-7085 Education Program	878,000
19-7085 Physical Plant and Support Services	4,093,000
99-7085 Management and Administrative Services	<u>1,279,000</u>
Total Appropriation, Northern State Prison	<u>\$57,406,000</u>
Personal Services:	
Salaries and Wages	(\$39,751,000)
Materials and Supplies	(8,693,000)
Services Other Than Personal.....	(6,778,000)
Maintenance and Fixed Charges.....	(561,000)
Special Purpose:	
Other Additional Bed Spaces	(1,513,000)
Other Special Purpose	(1,000)
Additions, Improvements and Equipment	(109,000)

7090 Adult Diagnostic and Treatment Center, Avenel

07-7090 Institutional Control and Supervision	\$11,550,000
08-7090 Institutional Care Program	4,904,000
09-7090 Institutional Treatment Program.....	2,065,000
10-7090 Education Program	207,000
11-7090 Outpatient Diagnostic and Treatment Services	205,000
19-7090 Physical Plant and Support Services	1,348,000
99-7090 Management and Administrative Services	<u>723,000</u>
Total Appropriation, Adult Diagnostic and Treatment Center, Avenel	<u>\$21,002,000</u>
Personal Services:	
Salaries and Wages	(\$15,398,000)
Materials and Supplies	(2,432,000)
Services Other Than Personal.....	(2,501,000)
Maintenance and Fixed Charges.....	(312,000)
Special Purpose:	
Other Additional Bed Spaces	(249,000)
Additions, Improvements and Equipment	(110,000)

7110 Garden State Reception and Youth Correctional Facility

07-7110 Institutional Control and Supervision	\$22,946,000
08-7110 Institutional Care Program.....	6,701,000
09-7110 Institutional Treatment Program.....	2,471,000
10-7110 Education Program	173,000
19-7110 Physical Plant and Support Services	1,991,000
21-7110 Pre-Reception Unit North Jersey	6,516,000
99-7110 Management and Administrative Services	<u>1,306,000</u>
Total Appropriation, Garden State Reception and Youth Correctional Facility	<u>\$42,104,000</u>
Personal Services:	
Salaries and Wages	(\$31,945,000)
Materials and Supplies.....	(5,351,000)
Services Other Than Personal.....	(3,030,000)
Maintenance and Fixed Charges	(546,000)
Special Purpose:	
Other Additional Bed Spaces	(1,121,000)
Other Special Purpose	(1,000)
Additions, Improvements and Equipment.....	(110,000)

7120 Albert C. Wagner Youth Correctional Facility

07-7120 Institutional Control and Supervision	\$19,489,000
08-7120 Institutional Care Program.....	6,913,000
09-7120 Institutional Treatment Program.....	2,300,000
10-7120 Education Program	586,000
19-7120 Physical Plant and Support Services	3,375,000
99-7120 Management and Administrative Services	<u>1,089,000</u>
Total Appropriation, Albert C. Wagner Youth Correctional Facility	<u>\$33,752,000</u>
Personal Services:	
Salaries and Wages	(\$24,823,000)
Materials and Supplies.....	(4,814,000)
Services Other Than Personal.....	(2,571,000)
Maintenance and Fixed Charges	(437,000)
Special Purpose:	
Other Additional Bed Spaces	(651,000)
Sewage Hauling and Disposal Costs	(345,000)
Additions, Improvements and Equipment.....	(111,000)

Receipts derived from the Upholstery Program at the Albert C. Wagner Youth Correctional Facility, and any unexpended balances as of June 30, 1994 are appropriated for the operation of the program with surplus funds being credited to the institution's Inmate Welfare Fund, subject to the approval of the Director of the Division of Budget and Accounting.

7130 Mountainview Youth Correctional Facility

07-7130 Institutional Control and Supervision	\$20,696,000
08-7130 Institutional Care Program.....	6,852,000
09-7130 Institutional Treatment Program.....	2,169,000

10-7130 Education Program	276,000
19-7130 Physical Plant and Support Services	5,161,000
99-7130 Management and Administrative Services	<u>1,288,000</u>
Total Appropriation, Mountainview Youth Correctional Facility	<u>\$36,442,000</u>
Personal Services:	
Salaries and Wages	(\$25,528,000)
Materials and Supplies.....	(4,869,000)
Services Other Than Personal	(2,817,000)
Maintenance and Fixed Charges	(724,000)
Special Purpose:	
Sewage Hauling and Disposal Costs	(2,396,000)
Additions, Improvements and Equipment.....	(108,000)

17 Parole and Community Programs

7010 Office of Parole and Community Programs

03-7010 Parole.....	\$19,454,000
04-7010 Community Programs	<u>1,086,000</u>
Total Appropriation, Office of Parole and Community Programs	<u>\$20,540,000</u>
Personal Services:	
Salaries and Wages	(\$19,114,000)
Materials and Supplies.....	(140,000)
Services Other Than Personal.....	(476,000)
Maintenance and Fixed Charges	(531,000)
Special Purpose:	
Payments To Inmates Discharged From Facilities	(121,000)
Community Service Center, Newark.....	(138,000)
Additions, Improvements and Equipment.....	(20,000)

No State funds shall be utilized for any expense related to a county electronic monitoring program.

7280 State Parole Board

05-7280 State Parole Board	<u>\$7,195,000</u>
Total Appropriation, State Parole Board ..	<u>\$7,195,000</u>
Personal Services:	
Salaries and Wages	(\$6,437,000)
Materials and Supplies.....	(155,000)
Services Other Than Personal.....	(367,000)
Maintenance and Fixed Charges	(111,000)
Additions, Improvements and Equipment.....	(125,000)

18 Juvenile Correctional Services

7220 New Jersey Training School for Boys

07-7220 Institutional Control and Supervision	\$9,892,000
08-7220 Institutional Care Program.....	2,670,000
09-7220 Institutional Treatment Program.....	1,258,000
19-7220 Physical Plant and Support Services	2,282,000
99-7220 Management and Administrative Services	<u>730,000</u>
Total Appropriation, New Jersey Training School for Boys	<u>\$16,832,000</u>
Personal Services:	
Salaries and Wages	(\$13,226,000)

Materials and Supplies.....	(1,870,000)
Services Other Than Personal.....	(1,151,000)
Maintenance and Fixed Charges.....	(520,000)
Special Purpose:	
Other Special Purpose.....	(2,000)
Additions, Improvements and Equipment.....	(63,000)

Receipts derived from the Eyeglass Program at the New Jersey Training School for Boys and any unexpended balance as of June 30, 1994 are appropriated for the operation of the program.

7225 Juvenile Medium Security Center

07-7225 Institutional Control and Supervision	\$5,986,000
08-7225 Institutional Care Program.....	909,000
09-7225 Institutional Treatment Program.....	431,000
19-7225 Physical Plant and Support Services	1,899,000
99-7225 Management and Administrative Services	<u>419,000</u>
Total Appropriation, Juvenile Medium Security Center	<u>\$9,644,000</u>
Personal Services:	
Salaries and Wages	(\$6,657,000)
Materials and Supplies.....	(404,000)
Services Other Than Personal.....	(291,000)
Maintenance and Fixed Charges.....	(125,000)
Special Purpose:	
Female Secure Care Program.....	(1,159,000)
Johnstone Facility Maintenance	(900,000)
Additions, Improvements and Equipment.....	(108,000)

19 Central Planning, Direction and Management

01-7000 Planning, Management and General Support	\$1,800,000
02-7000 Program Operations Support	2,575,000
19-7000 Physical Plant and Support Services	994,000
99-7000 Management and Administrative Services	<u>7,311,000</u>
Total Appropriation, Central Planning, Direction and Management	<u>\$12,680,000</u>
Personal Services:	
Salaries and Wages	(\$10,489,000)
Materials and Supplies.....	(407,000)
Services Other Than Personal.....	(1,093,000)
Maintenance and Fixed Charges.....	(478,000)
Special Purpose:	
Affirmative Action and Equal	
Employment Opportunity	(125,000)
Additions, Improvements and Equipment.....	(88,000)
Total Appropriation, Department of Corrections	<u>\$588,138,000</u>

Balances on hand as of June 30, 1994 of funds held for the benefit of inmates in the several institutions, and such funds as may be received, are appropriated for the use of such inmates.

Payments received by the State from employers of prisoners on their behalf, as part of any work release program, are appropriated for the purposes provided under P.L.1969, c.22 (C.30:4-91.4 et seq.).

Of the amount appropriated hereinabove for the Department of Corrections, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page L-39 in the Governor's Budget Recommendation Document dated March 15, 1994 first shall be charged to the State Lottery Fund.

34 DEPARTMENT OF EDUCATION

30 Educational, Cultural and Intellectual Development

31 Direct Educational Services and Assistance

04-5062 Adult and Continuing Education	\$204,000
05-5063 Bilingual Education.....	396,000
06-5063 Programs For At-Risk Pupils.....	10,000
07-5065 Special Education.....	<u>588,000</u>
Total Appropriation, Direct Educational Services and Assistance	<u>\$1,198,000</u>
Personal Services:	
Salaries and Wages	(\$1,021,000)
Materials and Supplies	(61,000)
Services Other Than Personal.....	(110,000)
Additions, Improvements and Equipment	(6,000)

32 Operation and Support of Educational Institutions

12-5011 Marie H. Katzenbach School for the Deaf	<u>\$7,405,000</u>
Total Appropriation, Operation and Support of Educational Institutions.....	<u>\$7,405,000</u>
Personal Services:	
Salaries and Wages	(\$6,199,000)
Materials and Supplies	(728,000)
Services Other Than Personal.....	(146,000)
Maintenance and Fixed Charges.....	(242,000)
Special Purpose:	
Transportation Expenses For Students....	(89,000)
Additions, Improvements and Equipment	(1,000)

Notwithstanding the provisions of N.J.S18A:61-1 and N.J.S18A:46-13, or any other statute, \$3,400,000 of the amount appropriated hereinabove to the Marie H. Katzenbach School for the Deaf for operating expenses shall be reimbursed by local boards of education; provided, however, that each local board pay that portion of costs which the number of its handicapped pupils bears to the entire number of handicapped pupils in the school; provided further, however, that payments be made by each local board in accordance with a schedule adopted by the Commissioner of

Education and the Director of the Division of Budget and Accounting and be paid directly to the General Treasury.

The unexpended balance as of June 30, 1994 in the receipt account of the Marie H. Katzenbach School for the Deaf, and receipts derived from charges in excess of those anticipated, are appropriated for expenses.

The unexpended balance as of June 30, 1994, of receipts derived from charges at the regional schools for the handicapped are appropriated for the costs associated with the regional schools' facilities.

33 Supplemental Education and Training Programs

20-5062 General Vocational Education		<u>\$1,034,000</u>
Total Appropriation, Supplemental Education and Training Programs		<u>\$1,034,000</u>
Personal Services:		
Salaries and Wages	(\$939,000)	
Materials and Supplies	(24,000)	
Services Other Than Personal	(62,000)	
Additions, Improvements and Equipment	(9,000)	

34 Educational Support Services

30-5063 Educational Programs and Student Services		\$6,703,000
32-5061 Certification Programs		1,600,000
33-5067 Service to Local Districts		5,435,000
33-5091 Service to Local Districts		690,000
34-5067 Equal Educational Opportunity		129,000
35-5069 Urban Education		2,134,000
36-5120 Pupil Transportation		348,000
37-5120 School Nutrition		170,000
38-5120 Facilities Planning and School Building Aid		<u>865,000</u>
Total Appropriation, Educational Support Services		<u>\$18,074,000</u>
Personal Services:		
Salaries and Wages	(\$11,107,000)	
Materials and Supplies	(391,000)	
Services Other Than Personal	(954,000)	
Maintenance and Fixed Charges	(79,000)	
Special Purpose:		
Advisory Council on Holocaust Education	(124,000)	
Improved Basic Skills Instruction (HSPT)	(95,000)	
Blueprint For A Drug-Free New Jersey ..	(30,000)	
Eleventh Grade Test	(4,572,000)	
High School Proficiencies	(100,000)	
Comprehensive Compliance Audits	(250,000)	
Additions, Improvements and Equipment	(372,000)	

Receipts from the State Board of Examiners' fees in excess of those anticipated and the unexpended balances of such receipts as of June 30, 1994 are appropriated for the operation of the Certification programs.

Additional sums as may be necessary for the Department of Education in preparation for implementation of P.L.1987, c.399 (C.18A:7A-34 et seq.) are appropriated, subject to the recommendation of the Commissioner of Education and the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee or its successor.

Additional sums as may be necessary for the Department of Education for the cost of the internal audit function in a State-operated school district pursuant to section 8 of P.L.1987, c.399 (C.18A:7A-41) are appropriated, subject to the recommendation of the Commissioner of Education and the approval of the Director of the Division of Budget and Accounting.

Receipts derived from fees for school district personnel background checks and the unexpended balances as of June 30, 1994 of such receipts are appropriated for the cost of operation.

Receipts derived from charges at the Academy for Professional Development in excess of those anticipated and the unexpended balance as of June 30, 1994 of such receipts are appropriated for the costs of operation.

The unexpended balance as of June 30, 1994 in the Inspection of school construction account in excess of \$400,000, and receipts in excess of the amount anticipated, are appropriated for the operation of the school construction inspection program.

35 Education Administration and Management

42-5120 School Finance	\$2,073,000
99-5010 Management and Administrative Services	144,000
99-5090 Management and Administrative Services	2,613,000
99-5095 Management and Administrative Services	3,705,000
Total Appropriation, Education Administration and Management	<u>\$8,535,000</u>

Personal Services:

Salaries and Wages	(\$6,810,000)
Materials and Supplies.....	(389,000)
Services Other Than Personal.....	(785,000)
Maintenance and Fixed Charges.....	(95,000)

Special Purpose:

State Board of Education Expenses.....	(62,000)
Affirmative Action and Equal	
Employment Opportunity	(42,000)
Additions, Improvements and Equipment.....	(352,000)

Receipts derived from fees for school district personnel background checks and the unexpended balances as of June 30, 1994 of such receipts are appropriated for the cost of operation.

37 Cultural and Intellectual Development Services

51-5070 Library Services.....	\$2,478,000
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54-5010 Support of the Arts	<u>162,000</u>
Total Appropriation, Cultural and Intellectual Development Services	<u>\$2,640,000</u>
Personal Services:	
Salaries and Wages	(\$1,806,000)
Materials and Supplies.....	(494,000)
Services Other Than Personal.....	(319,000)
Maintenance and Fixed Charges.....	(21,000)

Receipts derived from tuition charges at the New Jersey School of the Arts and the unexpended balance as of June 30, 1994, of such receipts are appropriated for the cost of operation.

Total Appropriation, Department of Education \$38,886,000

Of the amount appropriated hereinabove for the Department of Education, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page L-39 in the Governor's Budget Recommendation Document dated March 15, 1994 first shall be charged to the State Lottery Fund.

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

40 Community Development and Environmental Management

42 Natural Resource Management

10-4865 Marina Operations	\$394,000
11-4870 Forest Resource Management.....	5,568,000
12-4875 Parks Management	23,021,000
13-4880 Hunters' and Anglers' License Fund	10,652,000
14-4885 Shellfish and Marine Fisheries Management	1,287,000
20-4880 Wildlife Management	315,000
21-4895 Natural Resources Engineering	<u>1,375,000</u>
Total Appropriation, Natural Resource Management	<u>\$42,612,000</u>

Personal Services:

Salaries and Wages	(\$31,411,000)
Materials and Supplies.....	(3,521,000)
Services Other Than Personal.....	(1,816,000)
Maintenance and Fixed Charges.....	(2,520,000)

Special Purpose:

Fire Fighting Costs.....	(1,025,000)
Liberty State Park Commission.....	(22,000)
Expenses of the Delaware and Raritan Canal Commission.....	(149,000)
Natural Lands Trust	(90,000)
Natural Areas Council.....	(5,000)
Historic Trust	(20,000)
Liberty State Park Facilities	(320,000)
Endangered Species Tax Check-Off Donations	(315,000)
Bayshore Flood Control	(230,000)
Additions, Improvements and Equipment.....	(1,168,000)

The amount hereinabove for the Hunters' and Anglers' License Fund is payable out of said Fund and any amount remaining

therein and the unexpended balance as of June 30, 1994 in the Hunters' and Anglers' License Fund, together with any receipts in excess of the amount anticipated, are appropriated. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

The amount hereinabove for Marina Operations is payable out of fee receipts, and the unexpended balances as of June 30, 1994 in the Marina Operations account, together with fee receipts in excess of the amount anticipated, are appropriated for maintenance and security of marina facilities. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Receipts in excess of the amount anticipated from fees and permit receipts from the use of State Park facilities, not to exceed \$150,000, are appropriated for Parks Management.

Receipts in excess of the amount anticipated from the Morris Canal and Banking Company are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Liberty State Park Facilities account is payable out of receipts derived from the rental and/or use of Liberty State Park facilities, and the unexpended balances in the Liberty State Park Facilities account as of June 30, 1994, together with receipts in excess of the amounts anticipated, are appropriated for the operation and maintenance of Liberty State Park.

There are appropriated from the Cultural Centers and Historic Preservation Fund established pursuant to the "New Jersey Green Acres, Cultural Centers and Historic Preservation Bond Act of 1987," P.L.1987, c.265, such sums as may be required for costs attributable to planning, administrative, organizational and operational expenses incident to the historic preservation projects authorized by the Bond Act, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Endangered Species Tax Check-Off Donations account is payable out of receipts, and the unexpended balances in the Endangered Species Tax Check-Off Donations account as of June 30, 1994, together with receipts in excess of the amount anticipated, are appropriated. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance of the appropriation of \$60,000 made to the New Jersey Historic Trust pursuant to section 9 of P.L.1988, c.32 for the purpose of conducting a Capital

Needs Survey of historic buildings and sites in New Jersey shall be available for expenditure by the New Jersey Historic Trust for such additional services or publications relating to New Jersey historic preservation as are determined by the Board of Trustees of the New Jersey Historic Trust.

4876 Palisades Interstate Park Commission

24-4876 Palisades Parks Management.....	\$1,022,000
25-4876 Patrol Activities and Crime Control	<u>990,000</u>
Total Appropriation, Palisades Interstate Park Commission	<u>\$2,012,000</u>

Personal Services:

Salaries and Wages	(\$1,349,000)
Materials and Supplies.....	(276,000)
Services Other Than Personal.....	(172,000)
Maintenance and Fixed Charges	(215,000)

Receipts from police court, stands, concessions and self-sustaining activities operated or supervised by this Commission, and the unexpended balance as of June 30, 1994 of such receipts, are appropriated.

43 Science and Technical Programs

01-4820 Radiation Protection	\$4,524,000
02-4801 Air Pollution Control, Policy and Planning	3,522,000
02-4825 Air Pollution Control	4,613,000
04-4835 Pesticide Control	2,807,000
05-4840 Water Supply and Watershed Management	4,677,000
17-4900 Solid Waste Resource Management	11,561,000
18-4810 Science and Research	2,077,000
22-4861 Water Quality Management.....	484,000
90-4801 Management Policy and Planning ..	<u>190,000</u>
Total Appropriation, Science and Technical Programs	<u>\$34,455,000</u>

Personal Services:

Salaries and Wages	(\$7,507,000)
Materials and Supplies.....	(123,000)
Services Other Than Personal.....	(397,000)
Maintenance and Fixed Charges	(397,000)

Special Purpose:

Nuclear Emergency Response.....	(1,800,000)
Radon Program	(600,000)
Toxic Catastrophe Prevention	(1,462,000)
Worker and Community Right To Know Act	(1,000,000)
Air Pollution Monitoring and Control Programs	(3,522,000)
Oil Spill Prevention.....	(2,151,000)
Pesticides Fees	(2,507,000)
Lab Certification Program.....	(300,000)
Well Permits/Well Drillers/ Pump Installers Licenses	(234,000)
Excess Diversion.....	(175,000)

Water Allocation.....	(1,640,000)
Water/Wastewater Operators Licenses ...	(70,000)
Office of the Rivermaster.....	(58,000)
Safe Drinking Water Fund	(1,950,000)
Water Supply Management Regulations .	(550,000)
Sanitary Landfill Facility Contingency Fund,	
Non-Site Specific Administration	(190,000)
Solid and Hazardous Waste Disposal--	
Disclosure Fund	(900,000)
Solid Waste - Utility Regulation.....	(3,089,000)
Recycling of Solid Waste.....	(1,332,000)
Clean Communities-Administration.....	(368,000)
Hazardous Waste Research	(500,000)
Other Special Purpose.....	(1,562,000)
Additions, Improvements and Equipment	(71,000)

The amount hereinabove for the Toxic Catastrophe Prevention account is payable out of fees received pursuant to the "Toxic Catastrophe Prevention Act," P.L.1985, c.403 (C.13:1K-19 et seq.), and the unexpended balances in the Toxic Catastrophe Prevention account as of June 30, 1994, together with receipts in excess of the amount anticipated, are appropriated. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Notwithstanding the provisions of the "Worker and Community Right to Know Act," P.L.1983, c.315 (C.34:5A-1 et seq.), the amount hereinabove for the Worker and Community Right to Know Act account is payable out of the Worker and Community Right to Know Trust Fund and that receipts in excess of the amount anticipated not to exceed \$500,000 are appropriated. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

The amount hereinabove for the Oil Spill Prevention program is payable out of the Spill Compensation Fund, and the receipts in excess of those anticipated from the Spill Compensation Fund for the Oil Spill Prevention program are appropriated, in accordance with the provisions of P.L.1990, c.76 (C.58:10-23.11f2 et seq.), P.L.1990, c.78 (C.58:10-23.11d1 et seq.), and P.L.1990, c.80 (C.58:10-23.11f1), subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances as of June 30, 1994 in the Medical Waste Management account are appropriated.

Receipts in excess of the amount anticipated from Solid Waste fees and the unexpended balance of such receipts as of June 30, 1994 in the Solid Waste Resource Management program classification in excess of \$300,000 are appropriated.

Receipts in excess of the amount anticipated derived from fees, fines, and penalties from the solid waste industry and the unexpended balance as of June 30, 1994 of such receipts are appropriated.

The amount hereinabove for the Sanitary Landfill Facility Contingency Fund, Non-Site Specific Administration account is payable out of the Sanitary Landfill Facility Contingency Fund.

Receipts in excess of those anticipated for the Sanitary Landfill Facility Contingency Fund, Non-Site Specific Administration account, not to exceed \$60,000, are appropriated.

There are appropriated from the Sanitary Landfill Facility Contingency Fund such sums as may be required to carry out the provisions of the "Sanitary Landfill Facility Closure and Contingency Fund Act," P.L.1981, c.306 (C.13:1E-100 et seq.).

There is appropriated an amount not to exceed \$235,000 from the Resource Recovery and Solid Waste Disposal Facility Fund for administrative costs related to the Resource Recovery and Solid Waste Disposal Facility program, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Recycling of Solid Waste account is payable out of the State Recycling Fund, established pursuant to section 5 of P.L.1981, c.278 (C.13:1E-96).

The unexpended balance as of June 30, 1994 in the Recycling Fees account, together with fee receipts received pursuant to P.L.1981, c.278 (C.13:1E-92 et seq.) in excess of the amount anticipated, are appropriated.

Notwithstanding the provisions of P.L.1981, c.278 (C.13:1E-92 et seq.), as amended by P.L.1985, c.533 (C.13:1E-92 et seq.), the amount hereinabove for the Recycling of Solid Waste account, and an amount not to exceed \$500,000 for recycling program administration, are appropriated from the unexpended balances as of June 30, 1994 in the State Recycling Fund.

There are appropriated from the State Recycling Fund and the Clean Communities account such sums as may be required to carry out the provisions of the "Clean Communities and Recycling Act," P.L.1981, c.278, as amended by P.L.1985, c.533 (C.13:1E-92 et seq.).

The amount hereinabove for the Clean Communities-Administration account is payable out of receipts received pursuant to section 7 of P.L.1985, c.533 (C.13:1E-99.2). If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Receipts in excess of the amount anticipated for the Clean Communities-Administration account, not to exceed \$150,000, are appropriated for Clean Communities program administration.

Receipts deposited to the Resource Recovery Investment Tax Fund and the Solid Waste Services Tax Fund are appropriated.

The amount hereinabove for the Solid Waste-Utility Regulation account is payable from assessments against the solid waste industry, and such other sums as the Director of the Division of Budget and Accounting shall determine shall be considered as appropriated on behalf of the Solid Waste program under P.L.1968, c.173 (C.48:2-59 et seq.), or other applicable statutes or administrative orders concerning the assessment of public utilities.

The amount hereinabove for the Solid and Hazardous Waste Disposal-Disclosure Fund account is payable out of fees received pursuant to the Solid and Hazardous Waste Disposal-Disclosure Act (A-901), P.L.1983, c.392 (C.13:1E-127 et seq.), and the unexpended balances in the Solid and Hazardous Waste Disposal-Disclosure Fund account as of June 30, 1994, together with receipts in excess of the amount anticipated, are appropriated. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

The amounts hereinabove for the Well Permits/Well Drillers/Pump Installers Licenses, Excess Diversion, Water Allocation, and Water/Wastewater Operators Licenses accounts are payable out of fees received through the Environmental Services Fund, established pursuant to section 5 of P.L.1975, c.232 (C.13:1D-33), and the unexpended balances of the fund as of June 30, 1994, together with any receipts in excess of the amount anticipated are appropriated for those accounts. If the receipts to any of the accounts are less than anticipated, these respective appropriations shall be reduced proportionately.

There are appropriated from the Water Supply Fund, created pursuant to section 14 of the "Water Supply Bond Act of 1981," P.L.1981, c.261, such sums as are necessary for costs attributable to administration of water supply programs including funding for cooperative agreements under the United States Geological Survey (USGS) Program, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Safe Drinking Water Fund account is payable out of receipts, and receipts in excess of the amount

anticipated, are appropriated. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

The amount hereinabove for the Water Supply Management Regulations account is payable out of fees, and the unexpended balances in the Water Supply Management Regulations account as of June 30, 1994, together with receipts in excess of the amount anticipated, are appropriated. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

The amount hereinabove for the Hazardous Waste Research account is appropriated from interest earned by the New Jersey Spill Compensation Fund for research on the prevention and the effects of discharges of hazardous substances on the environment and organisms, on methods of pollution prevention and recycling of hazardous substances, and on the development of improved cleanup, removal and disposal operations, subject to the approval of the Director of the Division of Budget and Accounting. If the interest earnings are less than anticipated, the appropriation shall be reduced proportionately.

Fees in excess of the amount anticipated from Radiation Protection and the unexpended balances of such fee receipts as of June 30, 1994 are appropriated.

The amount hereinabove for the Nuclear Emergency Response account is payable from receipts received pursuant to the assessments of electrical utility companies under P.L.1981, c.302 (C.26:2D-37 et seq.), and the unexpended balances as of June 30, 1994 in the Nuclear Emergency Response account, together with receipts in excess of the amount anticipated not to exceed \$600,000, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Laboratory Certification account is payable out of fees, and the unexpended balance in the Laboratory Certification account as of June 30, 1994, together with receipts in excess of the amount anticipated are appropriated. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

The amount hereinabove for the Pesticides Fees account is payable out of fees, and the unexpended balances in the Pesticides Fees account as of June 30, 1994 in excess of \$200,000 together with fee receipts in excess of the amount anticipated, are appropriated. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Any funds received by the Wastewater Treatment Trust from any State agency to offset the Trust's annual operating expenses are appropriated.

There is allocated from funds previously appropriated from the Water Conservation Fund the sum of \$745,000 for costs attributable to planning, engineering, developing and constructing regional wastewater treatment facilities, subject to the approval of the Director of the Division of Budget and Accounting.

44 Site Remediation

19-4815 Publicly-Funded Site Remediation	\$13,453,000
27-4815 Responsible Party Site Remediation	<u>21,187,000</u>
Total Appropriation, Site Remediation	<u>\$34,640,000</u>
Personal Services:	
Salaries and Wages	(\$8,561,000)
Materials and Supplies	(364,000)
Services Other Than Personal	(1,313,000)
Maintenance and Fixed Charges	(1,454,000)
Special Purpose:	
Hazardous Waste Bond Administrative Costs	(4,641,000)
Spill Prevention, Response and Site Cleanup,	
Non-Site Specific Costs	(1,530,000)
Hazardous Discharge Site Cleanup	
Fund--Responsible Party	(14,570,000)
Industrial Site Recovery Act	(564,000)
Risk Assessment and Risk Management	
Study Commission	(20,000)
Underground Storage Tanks	(983,000)
Additions, Improvements and Equipment	(640,000)

The amount hereinabove for the Spill Prevention, Response and Site Cleanup, Non-Site Specific Costs account is payable out of the New Jersey Spill Compensation Fund, and the receipts in excess of those anticipated for the Spill Prevention, Response and Site Cleanup, Non-Site Specific Costs account, not to exceed \$372,000, are appropriated.

There are appropriated from the New Jersey Spill Compensation Fund such sums as may be required for cleanup operations, adjusters and paying approved claims for damages in accordance with the provisions of P.L.1976, c.141 (C.58:10-23.11 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Hazardous Discharge Site Cleanup Fund-Responsible Party account shall first be charged to responsible party cost recoveries deposited in the Hazardous Discharge Site Cleanup Fund.

An amount not to exceed \$23,700,000 is appropriated from responsible party cost recoveries deposited in the Hazardous Discharge Site Cleanup Fund for administrative costs associated with the cleanup of hazardous waste sites, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Hazardous Waste Bond Administrative Costs account is appropriated from bond proceeds deposited in the Hazardous Discharge Fund, created pursuant to section 14 of the "Hazardous Discharge Bond Act," P.L.1981, c.275, or the Hazardous Discharge Fund of 1986, created pursuant to section 14 of the "Hazardous Discharge Bond Act of 1986," P.L.1986, c.113, for administrative costs associated with the cleanup of hazardous waste sites, in an amount not to exceed \$4,641,000.

An amount not to exceed \$485,000 is appropriated from the bond proceeds deposited in the Hazardous Discharge Fund, created pursuant to section 14 of the "Hazardous Discharge Bond Act," P.L.1981, c.275, or the Hazardous Discharge Fund of 1986, created pursuant to section 14 of the "Hazardous Discharge Bond Act of 1986," P.L.1986, c.113, for administrative costs associated with the cleanup of hazardous waste sites.

Receipts derived from the sale of salvaged materials are appropriated to offset costs incurred in the cleanup and removal of hazardous substances.

The amount hereinabove for the Industrial Site Recovery Act account is payable out of fees and fines pursuant to the provisions of the Industrial Site Recovery Act, P.L.1983, c.330 (C.13:1K-6 et al.) and the unexpended balance as of June 30, 1994 in the Industrial Site Recovery Act account, as well as any receipts received in excess of the anticipated amount, are appropriated. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

In addition to site specific charges, an amount not to exceed \$16,100,000 is appropriated from the New Jersey Spill Compensation Fund in accordance with the provisions of P.L.1976, c.141 (C.58:10-23.11 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of subsection c. of section 17 of P.L.1986, c.102 (C.58:10A-36), monies in the State Underground Storage Tank Improvement Fund shall be available for the purpose of making loans pursuant to that section.

The amount hereinabove for the Underground Storage Tanks account is payable out of fees, and the unexpended balances of such receipts as of June 30, 1994, together with fee receipts in excess of the amount anticipated, are appropriated. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Receipts for Groundwater Discharge Permits received pursuant to the provisions of the "Water Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.), are appropriated and the unexpended balance as of June 30, 1994 in the Groundwater Discharge Permits account is appropriated.

45 Environmental Regulation

02-4892 Air Pollution Control.....	\$3,200,000
08-4891 Water Pollution Control	550,000
15-4890 Land Use Regulation	9,400,000
16-4891 Water Monitoring and Planning	700,000
22-4891 Water Quality Management.....	12,850,000
23-4910Hazardous Waste Management	<u>5,538,000</u>
Total Appropriation, Environmental Regulation	<u>\$32,238,000</u>
Personal Services:	
Salaries and Wages	(\$2,120,000)
Materials and Supplies	(128,000)
Services Other Than Personal.....	(977,000)
Maintenance and Fixed Charges.....	(296,000)
Special Purpose:	
Air Pollution Monitoring and Control Programs	(3,200,000)
Water Pollution Control Program	(550,000)
Waterfront Development Program	(310,000)
Wetlands	(10,000)
CADRA Program.....	(115,000)
Stream Encroachment	(1,306,000)
Regulation of Freshwater Wetlands	(1,000,000)
Delineation and Determination of	
State Riparian Land	(185,000)
Tidelands Resource Council	(25,000)
Tidelands Peak Demands	(1,415,000)
Treatment Works Approval.....	(700,000)
Surface Water Discharge Permits	(8,550,000)
Pollution Prevention	(1,625,000)
Major Hazardous Waste Facilities	
Siting Act--Siting Commission	(225,000)
Environmental Permit Stabilization	(4,500,000)
NJPDES - Fee Stabilization	(4,300,000)
Other Special Purpose.....	(496,000)
Additions, Improvements and Equipment	(205,000)

The amounts hereinabove for the Wetlands and CADRA accounts are payable out of fees received through the Environmental Services Fund, established pursuant to section 5 of P.L.1975,

c.232 (C.13:1D-33), and the unexpended balances of the fund as of June 30, 1994, together with any receipts in excess of the amount anticipated are appropriated for those accounts. If the receipts to any of the accounts are less than anticipated, the respective appropriation shall be reduced proportionately.

The amount hereinabove for the Delineation and Determination of State Riparian Land account shall be provided from receipts derived from the sales, grants, leases, licensing and rentals of State riparian lands, and any receipts in excess of such amounts not to exceed \$150,000 are appropriated for the same purpose; provided however, that should the receipts be insufficient to finance such authorization, sufficient sums shall be advanced from the General Fund for the same purpose; provided further, however, that any sum so advanced shall be returned to the General Fund from future receipts derived from the sales, grants, leases, licensing or rentals of State riparian lands.

The unexpended balance as of June 30, 1994 in the Major Hazardous Waste Facilities Siting Act-Siting Commission account is appropriated.

The amount hereinabove for the Pollution Prevention account is payable out of receipts received pursuant to the "Pollution Prevention Act," P.L.1991, c.235 (C.13:1D-35 et seq.), and receipts in excess of the amount anticipated, are appropriated. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

The amount hereinabove for the Treatment Works Approval account is payable out of fees, and the unexpended balances in the Treatment Works Approval account as of June 30, 1994, together with receipts in excess of the amount anticipated, are appropriated. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

The amount hereinabove for the NJPDES-Fee Stabilization account shall be distributed based on an allocation plan provided by the Commissioner of the Department of Environmental Protection, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Environmental Permit Stabilization account shall be distributed to Environmental Permitting Programs based on an allocation plan provided by the Commissioner of the Department of Environmental Protec-

tion, subject to the approval of the Director of the Division of Budget and Accounting.

46 Environmental Planning and Administration

26-4805 Regulatory and Governmental Affairs	\$469,000
97-4921 Regulatory Support Services	2,904,000
99-4800 Management and Administrative Services	<u>5,363,000</u>
Total Appropriation, Environmental Planning and Administration	<u>\$8,736,000</u>

Personal Services:

Salaries and Wages	(\$7,095,000)
Materials and Supplies	(66,000)
Services Other Than Personal	(1,262,000)
Maintenance and Fixed Charges	(36,000)

Special Purpose:

Board of New Jersey Pilot Commissioners	(73,000)
Affirmative Action and Equal	
Employment Opportunity	(98,000)
Additions, Improvements and Equipment	(106,000)

The amount in the Board of New Jersey Pilot Commissioners account is payable out of receipts, and any receipts in excess of the amounts specifically set forth above are appropriated.

The unexpended balances as of June 30, 1994 in the accounts hereinabove which are applicable to assessments made by the Board of Regulatory Commissioners under P.L.1968, c.173 (C.48:2-59 et seq.) and P.L.1972, c.186 (C.48:5A-1 et seq.) are appropriated.

47 Enforcement Policy

02-4855 Air Pollution Control	\$3,200,000
07-4850 Water Monitoring and Planning	826,000
08-4855 Water Pollution Control	1,500,000
15-4855 Land Use Regulation	1,079,000
22-4855 Water Quality Management	2,943,000
23-4855 Hazardous Waste Management	<u>1,295,000</u>
Total Appropriation, Enforcement Policy	<u>\$10,843,000</u>

Personal Services:

Salaries and Wages	(\$2,249,000)
Materials and Supplies	(94,000)
Services Other Than Personal	(117,000)
Maintenance and Fixed Charges	(174,000)

Special Purpose:

Air Pollution Monitoring and Control Programs	(3,200,000)
Water Pollution Control Program	(1,500,000)
Waterfront Development Program	(40,000)
Stream Encroachment	(144,000)
Regulation of Freshwater Wetlands	(150,000)
Tidelands Peak Demands	(217,000)
Surface Water Discharge Permits	(2,943,000)
Additions, Improvements and Equipment	(15,000)

Of the amount hereinabove for Land Use Regulation, \$528,000 shall first be charged to receipts derived from the sales, grants, leases, licensing and rentals of State riparian lands as reimbursement for staff and administrative costs necessary for managing and providing proper surveillance and enforcement of State rights over the use of State-owned riparian lands.

Receipts deposited into the Coastal Protection Trust Fund pursuant to P.L.1993, c.168 (C.39:3-27.47 et seq.) are appropriated in an amount not to exceed \$600,000 for the cleanup or maintenance of beaches or shores, an amount not to exceed \$200,000 for the cost of providing monitoring, surveillance and enforcement activities of the Cooperative Coastal Monitoring Program, an amount not to exceed \$50,000 for the implementation of the "New Jersey Adopt a Beach Act," P.L.1992, c.213 (C.13:19-22 et seq.), and an amount not to exceed \$150,000 for a program of grants for the construction of sewage pump-out devices for marine sanitation devices and portable toilet emptying receptacles at public and private marinas and boatyards in furtherance of the provisions of P.L.1988, c.117 (C.58:10A-56 et seq.). Receipts deposited to the Coastal Protection Trust Fund in excess of \$1,000,000 are appropriated to finance emergency shore protection projects and the cleanup of discharges into the ocean.

50 Economic Planning, Development and Security

52 Economic Regulation

54-4922 Division of Telecommunications ...	\$987,000
54-4927 Division of Gas.....	1,696,000
54-4928 Division of Electric.....	1,520,000
54-4929 Division of Water and Sewer.....	1,295,000
55-4924 Regulation of Cable Television	1,317,000
99-4920 Management and Administrative Services	<u>4,276,000</u>
Total Appropriation, Economic Regulation.	<u>\$11,091,000</u>
Personal Services:	
Salaries and Wages	(\$10,165,000)
Materials and Supplies.....	(265,000)
Services Other Than Personal.....	(477,000)
Maintenance and Fixed Charges	(44,000)
Additions, Improvements and Equipment.....	(140,000)

In addition to the sum hereinabove, such other sums as the Director of the Division of Budget and Accounting shall determine, are considered as appropriated on behalf of the Board of Regulatory Commissioners under P.L.1968, c.173 (C.48:2-59 et seq.) and P.L.1972, c.186 (C.48:5A-32 et seq.), or other applicable

statutes with respect to assessment of public utilities or the cable television industry.

The unexpended balance as of June 30, 1994 in this account is appropriated.

Receipts derived from fees, fines and penalties are appropriated and the unexpended balance as of June 30, 1994 of such receipts is appropriated.

Fees received from the "Electric Facility Need Assessment Act," P.L.1983, c.115 (C.48:7-16 et seq.) are appropriated.

Total Appropriation, Department of Environmental Protection \$176,627,000

The amounts hereinabove for the Air Pollution Monitoring and Control Programs accounts are payable out of the receipts generated through licensing fees and penalties, and the unexpended balances in the Air Pollution Monitoring and Control Programs accounts as of June 30, 1994, together with receipts in excess of the amount anticipated, are appropriated. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

The amounts hereinabove for the Surface Water Discharge Permits accounts are payable out of fees received pursuant to the provisions of the "Water Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.), and the unexpended balances as of June 30, 1994 in the Surface Water Discharge Permits accounts, as well as any receipts received in excess of the anticipated amounts, are appropriated for such purposes. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Receipts in excess of the amount anticipated from hazardous waste fees and the unexpended balance of such fees as of June 30, 1994, in excess of \$300,000 are appropriated for hazardous waste management program activities, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove for the Waterfront Development Program and Stream Encroachment accounts are payable out of fees received through the Environmental Services Fund, established pursuant to section 5 of P.L.1975, c.232 (C.13:1D-33), and the unexpended balances of the fund as of June 30, 1994, together with any receipts in excess of the amount anticipated are appropriated for those accounts. If the receipts to any of the accounts are less than anticipated, the respective appropriation shall be reduced proportionately.

The amount hereinabove for the Regulation of Freshwater Wetlands account is payable out of fees received pursuant to the "Freshwater Wetlands Protection Act," P.L.1987, c.156 (C.13:9B-1 et al.), and the unexpended balances as of June 30, 1994 in the Freshwater Wetlands Fees account and the Regulation of Freshwater Wetlands account, together with receipts in excess of the respective amounts anticipated, are appropriated. If the receipts are less than anticipated, the respective appropriation shall be reduced proportionately.

The amount hereinabove for the Water Pollution Control Program accounts are payable out of penalty receipts received pursuant to the Clean Water Enforcement Act, and the unexpended balances in the Water Pollution Control Program accounts as of June 30, 1994 in excess of \$1,000,000 together with penalty receipts in excess of the amount anticipated, are appropriated. If the receipts are less than anticipated, the appropriation shall be reduced proportionately.

The amounts hereinabove for the Tidelands Peak Demands accounts are payable out of receipts derived from the sales, grants, leases, licensing, and rentals of State riparian lands, and the receipts in excess of the amount anticipated, not to exceed \$822,000, are appropriated.

46 DEPARTMENT OF HEALTH

20 Physical and Mental Health

21 Health Services

01-4215 Vital Statistics.....		\$1,036,000
02-4220 Family Health Services.....		1,534,000
03-4230 Epidemiology, Environmental and Occupational Health Services		13,396,000
04-4240 Alcoholism, Drug Abuse and Addiction Services		464,000
08-4280 Laboratory Services.....		4,427,000
12-4245 AIDS Services		<u>3,083,000</u>
Total Appropriation, Health Services.....		<u>\$23,940,000</u>
Personal Services:		
Salaries and Wages	(\$15,056,000)	
Materials and Supplies.....	(3,559,000)	
Services Other Than Personal.....	(1,509,000)	
Maintenance and Fixed Charges	(307,000)	
Special Purpose:		
New Jersey State Commission on Cancer Research	(1,000,000)	
Rabies Control Program.....	(453,000)	
Animal Population Control Program.....	(550,000)	
Worker and Community Right to Know .	(1,419,000)	
WIC Farmer's Market Program.....	(87,000)	

Receipts in excess of those anticipated for the HealthStart Program are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1994, in the Comprehensive Regulated Medical Waste Management Act account, together with any receipts received by the Department of Health pursuant to the provisions of the "Comprehensive Regulated Medical Waste Management Act," P.L.1989, c.34 (C.13:1E-48.1 et seq.) are appropriated.

Notwithstanding the provisions of P.L.1989, c.34 (C.13:1E-48.1 et seq.) 35 percent of the receipts received pursuant to the provisions of the "Comprehensive Regulated Medical Waste Management Act," are appropriated to the Department of Health.

The unexpended balance as of June 30, 1994 in the Rabies Control Program account, together with any receipts in excess of the amount anticipated, are appropriated.

The unexpended balance as of June 30, 1994 in the Animal Population Control Program account, together with any receipts in excess of the amount anticipated, are appropriated.

The amount hereinabove for the Animal Population Control Program account is payable out of the Animal Population Control Fund. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

The amount hereinabove for the Rabies Control Program account is payable out of the Rabies Control Fund. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

Any receipts in the Worker and Community Right to Know program account in excess of the amount anticipated, not to exceed \$650,000, are appropriated.

Notwithstanding the provisions of the Worker and Community Right to Know Act, P.L.1983, c.315 (C.34:5A-1 et seq.), the amount hereinabove for the Worker and Community Right to Know account is payable out of the Worker and Community Right to Know Fund. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

The amount hereinabove for the New Jersey State Commission on Cancer Research is charged to the Cancer Research Fund pursuant to section 5 of P.L.1982, c.40 (C.54:40A-37.1).

The Division of Alcoholism, Drug Abuse and Addiction Services is authorized to bill a patient, a patient's estate, or the person chargeable for a patient's support, or the county of residence for institutional, residential and out-patient support of patients treated for alcoholism or drug abuse, or both. Receipts derived from billings or fees and unexpended balances as of June 30, 1994 from these billings and fees are appropriated to the Department of Health, Division of Alcoholism, Drug Abuse and Addiction Services, for the support of the alcohol and drug abuse programs.

There are appropriated from the Alcohol Education, Rehabilitation and Enforcement Fund such sums as may be necessary to carry out the provisions of P.L.1983, c.531 (C.26:2B-32 et al.).

The Director of the Division of Budget and Accounting is empowered to transfer or credit appropriations to the Department of Health for diagnostic laboratory services provided to any other agency or department; provided further, however, that funds have been appropriated or allocated to such agency or department for the purpose of purchasing these services.

The unexpended balance as of June 30, 1994 in the Lead Evaluation and Abatement program account is appropriated.

Receipts from licenses, permits and fees collected by the Department of Health in Health Services, in excess of those anticipated, are appropriated.

22 Health Planning and Evaluation

06-4260 Health Facilities Evaluation	\$5,115,000
07-4270 Health Care Planning, Financing and Information Services	<u>1,540,000</u>
Total Appropriation, Health Planning and Evaluation	<u>\$6,655,000</u>

Personal Services:

Salaries and Wages	(\$5,505,000)
Materials and Supplies	(161,000)
Services Other Than Personal.....	(529,000)
Maintenance and Fixed Charges.....	(160,000)

Special Purpose:

Emergency Medical Services for Children Program (300,000)

Receipts derived from fees charged for the review of uniform construction code plans for health facilities and the unexpended balances of such receipts as of June 30, 1994, are appropriated for the costs of this program.

Receipts derived from fees charged for processing Certificate of Need applications and the unexpended balances of such receipts as of June 30, 1994 in excess of \$1,000,000, are appropriated for the cost of this program, subject to the approval of the Director of the Division of Budget and Accounting.

- Receipts from fees established by the Commissioner of Health for licensing of clinical laboratories pursuant to P.L.1975, c.166 (C.45:9-42.26 et seq.), and blood banks pursuant to P.L.1963, c.33 (C.26:2A-2 et seq.), and the unexpended balance of such fees as of June 30, 1994 in excess of \$300,000 are appropriated.
- The unexpended balance as of June 30, 1994, in the Health Care Planning account, is appropriated.
- Any receipts from Facility Rate Setting, in excess of the amount anticipated by the Department of Human Services, are appropriated to the Department of Health.
- Notwithstanding the provisions of any other law, of the amount available to the New Jersey SHIELD (Health Access New Jersey) program created by section 15 of P.L.1990, c.160 (C.26:2H-18.65), \$1,000,000 shall be used to operate the Preventive Health Program for Uninsured Children.
- The unexpended balance as of June 30, 1994, in the Residential Alcoholism Treatment Facilities Rate Setting account is appropriated.
- The unexpended balance as of June 30, 1994, in the Special Hospital Rate Setting account is appropriated.
- Available funds are appropriated to the Health Care Facilities Improvement Fund to provide available resources in an emergency situation at a health care facility, subject to the approval of the Director of the Division of Budget and Accounting.
- Receipts from licenses, permits and fees collected by the Department of Health in Health Planning and Evaluation, in excess of those anticipated, are appropriated.

25 Health Administration

99-4210 Management and Administrative Services		<u>\$1,686,000</u>
Total Appropriation, Health Administration		<u>\$1,686,000</u>
Personal Services:		
Salaries and Wages	(\$1,005,000)	
Materials and Supplies.....	(141,000)	
Services Other Than Personal.....	(212,000)	
Maintenance and Fixed Charges.....	(245,000)	
Special Purpose:		
Affirmative Action and Equal		
Employment Opportunity	(77,000)	

Additions, Improvements and Equipment.....	(6,000)	
Total Appropriation, Department of Health		<u>\$32,281,000</u>

There is appropriated to the Department of Health from the Health Care Subsidy Fund established pursuant to section 8 of P.L.1992, c.160 (C.26:2H-18.58) to continue to fund programs established pursuant to section 25 of P.L.1991, c.187 (C.26:2H-18.47). However, available funding shall first provide for the expansion of Medicaid to 185 percent of poverty; the Community Care Program for the Elderly and Disabled; and the Infant Mortality Reduction Program. The remaining available funds may be used to fund programs established by section 25 of P.L.1991, c.187 (C.26:2H-18.47) as determined by the Commissioner of Health, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from licenses, permits and fees collected by the Department of Health, in excess of those anticipated, are appropriated.

Notwithstanding the provisions of section 7 of P.L.1992, c.160 (C.26:2H-18.57) to the contrary, the first \$3,520,000 in per adjusted admission charge assessment revenues, attributable to \$5.00 per adjusted admission charge assessments made by the Department of Health on behalf of the New Jersey Essential Health Services Commission shall be anticipated as revenue in the General Fund available for general State purposes.

Notwithstanding the provisions of any other law to the contrary, amounts in the "Health Care Subsidy Fund," established pursuant to section 8 of P.L.1992, c.160 (C.26:2H-18.58) may be transferred to the unemployment compensation fund established pursuant to R.S.43:21-9, as determined by the Director of the Division of Budget and Accounting.

50 DEPARTMENT OF HIGHER EDUCATION

30 Educational, Cultural and Intellectual Development

36 Higher Educational Services

5400 Higher Education Oversight

99-5400 Management and Administrative Services	<u>\$600,000</u>
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Total Appropriation, Higher Education Oversight	<u>\$600,000</u>
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Special Purpose:

Oversight and Research of Higher Education	(\$600,000)
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The unexpended balances as of June 30, 1994, and other income from the Federal Loan Collection and Reimbursement program are appropriated.

5450 Thomas Edison State College

17-5450 Institutional Support		<u>\$9,797,000</u>
Sub-Total General Operations		<u>\$9,797,000</u>
Total All Operations.....		<u>\$9,797,000</u>
Less:		
<i>Fee Increase</i>	(\$111,000)	
<i>Self Sustaining Income</i>	(796,000)	
<i>General Services Income</i>	(4,754,000)	
<i>Total Income Deductions</i>		<u>(\$5,661,000)</u>
Total Appropriation, Thomas A. Edison State College		<u>\$4,136,000</u>
Personal Services:		
Salaries and Wages	(\$6,556,000)	
Materials and Supplies.....	(457,000)	
Services Other Than Personal.....	(2,178,000)	
Maintenance and Fixed Charges	(325,000)	
Special Purpose:		
Affirmative Action and Equal		
Employment Opportunity	(14,000)	
Additions, Improvements and Equipment.....	(267,000)	
Less:		
<i>Fee Increase</i>	(111,000)	
<i>Self Sustaining Income</i>	(796,000)	
<i>General Services Income</i>	(4,754,000)	

5500 Rowan College of New Jersey

11-5500 Instruction.....		\$21,112,000
12-5500 Sponsored Programs and Research.		80,000
15-5500 Academic Support		3,968,000
16-5500 Student Services		4,987,000
17-5500 Institutional Support		8,096,000
19-5500 Physical Plant and Support Services		6,250,000
Sub-Total General Operations		<u>\$44,493,000</u>
Auxiliary Funds Expense.....		20,127,000
Special Funds Expense		3,559,000
Total All Operations		<u>\$68,179,000</u>
Less:		
<i>General Services Income</i>	(\$14,788,000)	
<i>Auxiliary Funds Income</i>	(20,127,000)	
<i>Special Funds Income</i>	<u>(3,559,000)</u>	
<i>Total Income Deductions</i>		<u>(\$38,474,000)</u>
Total Appropriation, Rowan College of New Jersey		<u>\$29,705,000</u>
Personal Services:		
Salaries and Wages	(\$34,718,000)	
Materials and Supplies.....	(2,858,000)	
Services Other Than Personal	(2,720,000)	
Maintenance and Fixed Charges	(1,435,000)	
Special Purpose:		
Camden Urban Center.....	(727,000)	
Separately Budgeted Research	(80,000)	
College Work-Study Program (State Share)	(200,000)	

Affirmative Action and Equal	
Employment Opportunity	(65,000)
Additions, Improvements and Equipment.....	(1,690,000)
Auxiliary Funds Expense.....	(20,127,000)
Special Funds Expense	(3,559,000)
Less:	
General Services Income.....	(14,788,000)
Auxiliary Funds Income	(20,127,000)
Special Funds Income	(3,559,000)

Actual full-time and part-time undergraduate and graduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session, shall not exceed 5,985 full-time equivalent (FTE) students at Rowan College of New Jersey. In the event that actual enrollments exceed 6,224, the amount appropriated hereinabove for Rowan College of New Jersey may be reduced by a sum equal to the tuition receipts collected by the College for those full-time equivalent students above 6,224, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Director of the Division of Budget and Accounting.

5510 Jersey City State College

11-5510 Instruction.....	\$21,211,000
12-5510 Sponsored Programs and Research.	70,000
15-5510 Academic Support	1,956,000
16-5510 Student Services	2,809,000
17-5510 Institutional Support	5,662,000
19-5510 Physical Plant and Support Services	<u>5,926,000</u>
Sub-Total General Operations	<u>\$37,634,000</u>
Auxiliary Funds Expense.....	8,750,000
Special Funds Expense	<u>4,125,000</u>
Total All Operations	<u>\$50,509,000</u>
Less:	
General Services Income.....	(\$9,866,000)
A. H. Moore Program Receipts	(1,960,000)
Auxiliary Funds Income	(8,750,000)
Special Funds Income	<u>(4,125,000)</u>
Total Income Deductions.....	<u>(\$24,701,000)</u>
Total Appropriation, Jersey City State College	<u>\$25,808,000</u>
Personal Services:	
Salaries and Wages	(\$28,494,000)
Materials and Supplies.....	(2,382,000)
Services Other Than Personal.....	(2,218,000)
Maintenance and Fixed Charges.....	(1,536,000)
Special Purpose:	
A. Harry Moore Laboratory School	(1,078,000)
Basic Science and Technological Equipment	(35,000)
Separately Budgeted Research	(70,000)

Minority Student Recruitment.....	(135,000)
National Direct Student Loan Program (State Share)	(20,000)
College Work-Study Program (State Share)	(120,000)
Affirmative Action and Equal Employment Opportunity(110,000)	
Tidelands Athletic Fields	(145,000)
Additions, Improvements and Equipment	(1,291,000)
Auxiliary Funds Expense.....	(8,750,000)
Special Funds Expense	(4,125,000)
<i>Less:</i>	
General Services Income	(9,866,000)
A. H. Moore Program Receipts.....	(1,960,000)
Auxiliary Funds Income.....	(8,750,000)
Special Funds Income	(4,125,000)

Actual full-time and part-time undergraduate and graduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session, shall not exceed 4,400 full-time equivalent (FTE) students at Jersey City State College. In the event that actual enrollments exceed 4,576, the amount appropriated hereinabove for Jersey City State College may be reduced by a sum equal to the tuition receipts collected by the College for those full-time equivalent students above 4,576, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Director of the Division of Budget and Accounting.

5520 Kean College of New Jersey

11-5520 Instruction	\$27,523,000
12-5520 Sponsored Programs and Research.....	75,000
15-5520 Academic Support	2,218,000
16-5520 Student Services	3,234,000
17-5520 Institutional Support.....	7,458,000
19-5520 Physical Plant and Support Services	<u>6,889,000</u>
Sub-Total General Operations.....	<u>\$47,397,000</u>
Auxiliary Funds Expense.....	8,303,000
Special Funds Expense	<u>8,332,000</u>
Total All Operations	<u>\$64,032,000</u>
<i>Less:</i>	
General Services Income	(\$18,352,000)
Auxiliary Funds Income	(8,303,000)
Special Funds Income	(8,332,000)
Total Income Deductions.....	<u>(\$34,987,000)</u>
Total Appropriation, Kean College of New Jersey.....	<u>\$29,045,000</u>
Personal Services:	
Salaries and Wages	(\$37,230,000)
Materials and Supplies	(4,087,000)
Services Other Than Personal.....	(3,504,000)

Maintenance and Fixed Charges	(1,278,000)
Special Purpose:	
Separately Budgeted Research	(75,000)
College Work-Study Program (State Share)	(70,000)
Affirmative Action and Equal	
Employment Opportunity	(54,000)
Additions, Improvements and Equipment	(1,099,000)
Auxiliary Funds Expense	(8,303,000)
Special Funds Expense	(8,332,000)
Less:	
General Services Income	(18,352,000)
Auxiliary Funds Income	(8,303,000)
Special Funds Income	(8,332,000)

Actual full-time and part-time undergraduate and graduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session, shall not exceed 7,800 full-time equivalent (FTE) students at Kean College of New Jersey. In the event that actual enrollments exceed 8,112, the amount appropriated hereinabove for Kean College of New Jersey may be reduced by a sum equal to the tuition receipts collected by the college for those full-time equivalent students above 8,112, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Director of the Division of Budget and Accounting.

5530 The William Paterson College of New Jersey

11-5530 Instruction	\$21,461,000
12-5530 Sponsored Programs and Research	150,000
15-5530 Academic Support	4,430,000
16-5530 Student Services	4,689,000
17-5530 Institutional Support	7,429,000
19-5530 Physical Plant and Support Services	<u>8,583,000</u>
Sub-Total General Operations	<u>\$46,742,000</u>
Auxiliary Funds Expense	13,865,000
Special Funds Expense	<u>3,059,000</u>
Total All Operations	<u>\$63,666,000</u>
Less:	
General Services Income	(\$14,655,000)
Auxiliary Funds Income	(13,865,000)
Special Funds Income	<u>(3,059,000)</u>
Total Income Deductions	<u>(\$31,579,000)</u>
Total Appropriation, The William Paterson	
College of New Jersey	<u>\$32,087,000</u>
Personal Services:	
Salaries and Wages	(\$35,524,000)
Materials and Supplies	(3,892,000)
Services Other Than Personal	(2,963,000)

Maintenance and Fixed Charges	(985,000)
Special Purpose:	
Academic Development	(170,000)
Separately Budgeted Research	(150,000)
College Work-Study Program (State Share)	(100,000)
Affirmative Action and Equal	
Employment Opportunity	(80,000)
Outcomes Assessment	(65,000)
Additions, Improvements and Equipment	(2,813,000)
Auxiliary Funds Expense	(13,865,000)
Special Funds Expense	(3,059,000)
Less:	
General Services Income	(14,655,000)
Auxiliary Funds Income	(13,865,000)
Special Funds Income	(3,059,000)

Actual full-time and part-time undergraduate and graduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session, shall not exceed 6,400 full-time equivalent (FTE) students at the William Paterson College of New Jersey. In the event that actual enrollments exceed 6,656, the amount appropriated hereinabove for the William Paterson College of New Jersey may be reduced by a sum equal to the tuition receipts collected by the college for those full-time equivalent students above 6,656, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon the approval of the Director of the Division of Budget and Accounting.

5540 Montclair State University

11-5540 Instruction	\$27,305,000
12-5540 Sponsored Programs and Research	120,000
13-5540 Extension and Public Service	600,000
15-5540 Academic Support	6,250,000
16-5540 Student Services	4,896,000
17-5540 Institutional Support	10,811,000
19-5540 Physical Plant and Support Services	<u>6,927,000</u>
Sub-Total General Operations	<u>\$56,909,000</u>
Auxiliary Funds Expense	8,727,000
Special Funds Expense	<u>6,259,000</u>
Total All Operations	<u>\$71,895,000</u>
Less:	
General Services Income	(\$19,976,000)
Conservation School Receipts	(475,000)
Auxiliary Funds Income	(8,727,000)
Special Funds Income	<u>(6,259,000)</u>
Total Income Deductions	<u>(\$35,437,000)</u>
Total Appropriation, Montclair State University	<u>\$36,458,000</u>

Personal Services:	
Salaries and Wages	(\$44,348,000)
Materials and Supplies.....	(4,316,000)
Services Other Than Personal	(4,743,000)
Maintenance and Fixed Charges	(1,370,000)
Special Purpose:	
Separately Budgeted Research	(120,000)
New Jersey State School of Conservation	(600,000)
College Work-Study Program (State Share)	(70,000)
Affirmative Action and Equal Employment Opportunity	(102,000)
Additions, Improvements and Equipment.....	(1,240,000)
Auxiliary Funds Expense.....	(8,727,000)
Special Funds Expense	(6,259,000)
Less:	
General Services Income.....	(19,976,000)
Conservation School Receipts.....	(475,000)
Auxiliary Funds Income	(8,727,000)
Special Funds Income	(6,259,000)

Actual full-time and part-time undergraduate and graduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session, shall not exceed 8,300 full-time equivalent (FTE) students at Montclair State University. In the event that actual enrollments exceed 8,632, the amount appropriated hereinabove for Montclair State University may be reduced by a sum equal to the tuition receipts collected by the university for those full-time equivalent students above 8,632, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Director of the Division of Budget and Accounting.

In addition to the sums hereinabove appropriated to Montclair State University, all revenues from lease agreements between Montclair State University and corporations operating satellite relay stations are appropriated.

5550 Trenton State College

11-5550 Instruction.....	\$23,210,000
12-5550 Sponsored Programs and Research.	149,000
15-5550 Academic Support	3,914,000
16-5550 Student Services	7,952,000
17-5550 Institutional Support	7,225,000
19-5550 Physical Plant and Support Services	8,805,000
Sub-Total General Operations.....	<u>\$51,255,000</u>
Auxiliary Funds Expense.....	21,518,000
Special Funds Expense	3,640,000
Total All Operations	<u>\$76,413,000</u>

<i>Less:</i>		
General Services Income	(\$21,304,000)	
Auxiliary Funds Income	(21,518,000)	
Special Funds Income	<u>(3,640,000)</u>	
Total Income Deductions.....		<u>(\$46,462,000)</u>
Total Appropriation, Trenton State College		<u>\$29,951,000</u>
Personal Services:		
Salaries and Wages	(\$37,417,000)	
Materials and Supplies	(4,247,000)	
Services Other Than Personal.....	(3,827,000)	
Maintenance and Fixed Charges.....	(859,000)	
Special Purpose:		
Separately Budgeted Research.....	(149,000)	
Minority Students Recruitment and Scholarships	(750,000)	
College Work-Study Program (State Share)	(37,000)	
Trustee Scholarships.....	(2,134,000)	
Affirmative Action and Equal		
Employment Opportunity.....	(43,000)	
Additions, Improvements and Equipment	(1,792,000)	
Auxiliary Funds Expense.....	(21,518,000)	
Special Funds Expense	(3,640,000)	
<i>Less:</i>		
General Services Income	(21,304,000)	
Auxiliary Funds Income.....	(21,518,000)	
Special Funds Income	<u>(3,640,000)</u>	

Actual full-time and part-time undergraduate and graduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session, shall not exceed 5,750 full-time undergraduate and graduate equivalent (FTE) students at Trenton State College. In the event that actual enrollments exceed 5,980, the amount appropriated hereinabove for Trenton State College may be reduced by a sum equal to the tuition receipts collected by the college for those full-time undergraduate and graduate equivalent students above 5,980, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Director of the Division of Budget and Accounting.

5560 Ramapo College of New Jersey

11-5560 Instruction	\$9,791,000
12-5560 Sponsored Programs and Research.	50,000
15-5560 Academic Support	1,798,000
16-5560 Student Services	2,792,000
17-5560 Institutional Support.....	4,844,000
19-5560 Physical Plant and Support Services	<u>4,633,000</u>
Sub-Total General Operations.....	<u>\$23,908,000</u>
Auxiliary Funds Expense.....	8,574,000
Special Funds Expense	<u>1,851,000</u>
Total All Operations	<u>\$34,333,000</u>

Less:

<i>General Services Income</i>	(\$8,129,000)	
<i>Auxiliary Funds Income</i>	(8,574,000)	
<i>Special Funds Income</i>	<u>(1,851,000)</u>	
<i>Total Income Deductions</i>		<u>(\$18,554,000)</u>
Total Appropriation, Ramapo College of New Jersey		<u>\$15,779,000</u>

Personal Services:

Salaries and Wages	(\$18,096,000)
Materials and Supplies.....	(2,084,000)
Services Other Than Personal	(1,727,000)
Maintenance and Fixed Charges.....	(492,000)

Special Purpose:

Separately Budgeted Research	(50,000)
College Work-Study Program (State Share)	(70,000)
Student Financial Assistance.....	(260,000)
Affirmative Action and Equal Employment Opportunity	(125,000)
Additions, Improvements and Equipment....	(1,004,000)
Auxiliary Funds Expense.....	(8,574,000)
Special Funds Expense	(1,851,000)

Less:

<i>General Services Income</i>	(8,129,000)
<i>Auxiliary Funds Income</i>	(8,574,000)
<i>Special Funds Income</i>	<u>(1,851,000)</u>

Actual full-time and part-time undergraduate and graduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session, shall not exceed 3,300 full-time equivalent (FTE) students at Ramapo College of New Jersey. In the event that actual enrollments exceed 3,432, the amount appropriated hereinabove for Ramapo College of New Jersey may be reduced by a sum equal to the tuition receipts collected by the college for those full-time equivalent students above 3,432, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Director of the Division of Budget and Accounting.

5570 The Richard Stockton College of New Jersey

11-5570 Instruction.....	\$12,454,000
12-5570 Sponsored Programs and Research.	70,000
15-5570 Academic Support	2,422,000
16-5570 Student Services	2,455,000
17-5570 Institutional Support	3,728,000
19-5570 Physical Plant and Support Services	<u>5,589,000</u>
Sub-Total General Operations.....	<u>\$26,718,000</u>
Auxiliary Funds Expense.....	7,884,000
Special Funds Expense	<u>1,550,000</u>
Total All Operations.....	<u>\$36,152,000</u>

<i>Less:</i>		
General Services Income	(\$9,670,000)	
Auxiliary Funds Income	(7,884,000)	
Special Funds Income	<u>(1,550,000)</u>	
Total Income Deductions.....		<u>(\$19,104,000)</u>
Total Appropriation, The Richard Stockton College of New Jersey		<u>\$17,048,000</u>
Personal Services:		
Salaries and Wages	(\$21,118,000)	
Materials and Supplies	(2,254,000)	
Services Other Than Personal.....	(1,529,000)	
Maintenance and Fixed Charges.....	(429,000)	
Special Purpose:		
Separately Budgeted Research.....	(70,000)	
National Direct Student Loan Program (State Share)	(20,000)	
College Work-Study Program (State Share)	(55,000)	
Scholarship and Loan Assistance.....	(235,000)	
Affirmative Action and Equal Employment Opportunity.....	(48,000)	
Additions, Improvements and Equipment	(960,000)	
Auxiliary Funds Expense.....	(7,884,000)	
Special Funds Expense	(1,550,000)	
<i>Less:</i>		
General Services Income	(9,670,000)	
Auxiliary Funds Income	(7,884,000)	
Special Funds Income	<u>(1,550,000)</u>	

Actual full-time and part-time undergraduate and graduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session, shall not exceed 4,300 full-time equivalent (FTE) students at The Richard Stockton College of New Jersey. In the event that actual enrollments exceed 4,472, the amount appropriated hereinabove for The Richard Stockton College of New Jersey may be reduced by a sum equal to the tuition receipts collected by the college for those full-time equivalent students above 4,472, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Director of the Division of Budget and Accounting.

*5600 Rutgers, The State University
Rutgers University Programs*

11-5600 Instruction	\$199,482,000
12-5600 Sponsored Programs and Research.	19,451,000
13-5600 Extension and Public Service	3,783,000
15-5600 Academic Support	25,551,000
16-5600 Student Services	46,668,000
17-5600 Institutional Support	63,970,000

19-5600 Physical Plant and Support Services		<u>68,729,000</u>
Sub-Total General Operations.....		<u>\$427,634,000</u>
Auxiliary Funds Expense.....		114,282,000
Special Funds Expense		<u>191,400,000</u>
Total All Operations		<u>\$733,316,000</u>
Less:		
General Services Income.....	(\$193,545,000)	
Auxiliary Funds Income	(114,282,000)	
Special Services Income.....	<u>(191,400,000)</u>	
Total Income Deductions.....		<u>(\$499,227,000)</u>
Total Appropriation, Rutgers University Programs		<u>\$234,089,000</u>
Personal Services:		
Salaries and Wages	(\$301,120,000)	
Materials and Supplies.....	(38,249,000)	
Services Other Than Personal.....	(22,933,000)	
Maintenance and Fixed Charges	(9,279,000)	
Special Purpose:		
Tomato Technology Transfer Program ...	(100,000)	
Pinelands Regulation Economic Impact		
Study - Cook College	(50,000)	
Drug and Alcohol Abuse Information		
Clearing House	(281,000)	
Forum on Policy Research and Public		
Service, Rutgers--Camden.....	(75,000)	
College Work-Study (State Share)	(750,000)	
Affirmative Action and Equal		
Employment Opportunity	(84,000)	
Retirement Allowances	(535,000)	
Special Projects.....	(4,670,000)	
Statewide Privatization (Contracting		
Out) Survey, Newark.....	(60,000)	
Debt Service--High Technology Initiative	(1,800,000)	
Student Aid	(23,473,000)	
Rutgers Fund for Distinction Debt		
Service (State Match)	(12,652,000)	
Additions, Improvements and Equipment.....	(11,523,000)	
Auxiliary Funds Expense.....	(114,282,000)	
Special Funds Expense	(191,400,000)	
Less:		
General Services Income.....	(193,545,000)	
Auxiliary Funds Income	(114,282,000)	
Special Services Income.....	(191,400,000)	

Actual full-time and part-time undergraduate and graduate enrollment, exclusive of enrollment in Extension and Public Service programs, shall not exceed 38,093 full-time equivalent (FTE) students at Rutgers, The State University. In the event that actual enrollments exceed 39,617, the amount hereinabove for Rutgers, The State University, may be reduced by

a sum equal to the tuition receipts collected by the university for those FTE students above 39,617, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Director of the Division of Budget and Accounting.

For the amounts hereinabove appropriated for the Fund for Distinction Debt Service, Rutgers, The State University, shall obtain the prior approval of the Board of Higher Education for all capital projects supported in whole, or in part, from these amounts.

5620 Agricultural Experiment Station

12-5620 Sponsored Programs and Research.		\$13,896,000
13-5620 Extension and Public Service		<u>6,834,000</u>
Sub-Total General Operations.....		<u>\$20,730,000</u>
Federal Research and Extension Funds Expense		6,800,000
Special Funds Expense		<u>15,100,000</u>
Total All Operations		<u>\$42,630,000</u>
Less:		
Federal Research and Extension Funds Income	(\$6,800,000)	
Special Funds Income	<u>(15,100,000)</u>	
Total Income Deductions.....		<u>(\$21,900,000)</u>
Total Appropriation, Agricultural Experiment Station		<u>\$20,730,000</u>
Personal Services:		
Salaries and Wages	(\$16,191,000)	
Materials and Supplies	(213,000)	
Services Other Than Personal.....	(1,080,000)	
Maintenance and Fixed Charges.....	(163,000)	
Special Purpose:		
Program Enhancement and Restoration ..	(200,000)	
Pari-mutuel Programs	(900,000)	
Renovate Laboratories	(350,000)	
Snyder Farm Planning and Operation	(691,000)	
Tomato Testing	(6,000)	
Cooperative Extension Service	(125,000)	
Blueberry and Cranberry Research	(250,000)	
Fruit Research and Extension	(500,000)	
Additions, Improvements and Equipment	(61,000)	
Federal Research and Extension Funds Expense	(6,800,000)	
Special Funds Expense	(15,100,000)	
Less:		
Federal Research and Extension Funds Income	(6,800,000)	
Special Funds Income	<u>(15,100,000)</u>	
Total Appropriation, Rutgers, The State University		<u>\$254,819,000</u>

5630 University of Medicine and Dentistry of New Jersey

11-5630 Instruction	\$94,582,000
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13-5630 Extension and Public Service	299,893,000
15-5630 Academic Support	4,230,000
16-5630 Student Services	6,827,000
17-5630 Institutional Support	38,786,000
19-5630 Physical Plant and Support Services	37,285,000
20-5630 Core Affiliates	<u>4,979,000</u>
Subtotal General Operations	<u>\$486,582,000</u>
Special Funds Expense	105,088,000
Auxiliary Funds Expense	6,326,000
Robert Wood Johnson Community Mental Health Center Expense	24,868,000
New Jersey Medical School Community Mental Health Center Expense	<u>10,018,000</u>
Total All Operations	<u>\$632,882,000</u>
<i>Less:</i>	
Hospital Services Income	(\$270,504,000)
Core Affiliates Income	(5,206,000)
General Services Income	(38,537,000)
Special Funds Income	(105,088,000)
Auxiliary Funds Income	(6,326,000)
Robert Wood Johnson Community Mental Health Center Income	(24,868,000)
New Jersey Medical School Community Mental Health Center Income	(10,018,000)
Total Income Deductions	<u>(\$460,547,000)</u>
Total Appropriation, University of Medicine and Dentistry of New Jersey	<u>\$172,335,000</u>
Personal Services:	
Salaries and Wages	(\$281,639,000)
Materials and Supplies	(64,174,000)
Services Other Than Personal	(86,623,000)
Maintenance and Fixed Charges	(13,770,000)
Special Purpose:	
Dental Residency Program	(750,000)
Area Health Education Center	(290,000)
Graduate Medical Education	(126,000)
University Hospital Debt Service-- Equipment and Renovations	(2,495,000)
Emergency Medical Service--Camden	(800,000)
University Student Aid	(3,874,000)
Debt Service--High Technology Initiative	(1,593,000)
Core Affiliate--Robert Wood Johnson Medical School--Piscataway	(2,719,000)
Core Affiliate--New Jersey School of Osteopathic Medicine	(2,260,000)
Additions, Improvements and Equipment	(25,469,000)
Special Funds Expense	(105,088,000)
Auxiliary Funds Expense	(6,326,000)
Robert Wood Johnson Community Mental Health Center	(24,868,000)

New Jersey Medical School Community
Mental Health Center..... (10,018,000)

Less:

Income (460,547,000)

The University of Medicine and Dentistry of New Jersey is authorized to operate its continuing medical-dental education program as a revolving fund and the revenue collected therefrom, and any unexpended balance therein, is retained for such fund.

The unexpended balances as of June 30, 1994 in the accounts hereinabove are appropriated for the purposes of the University of Medicine and Dentistry of New Jersey.

The appropriations for the university are made to Support Units, Educational Units, University Hospital, and Community Mental Health Centers.

In addition to the sums hereinabove appropriated to the University of Medicine and Dentistry of New Jersey, all revenues from lease agreements between the university and contracted organizations are appropriated.

5640 New Jersey Institute of Technology

11-5640 Instruction	\$31,204,000
12-5640 Sponsored Programs and Research.	1,385,000
13-5640 Extension and Public Service	1,120,000
15-5640 Academic Support	8,740,000
16-5640 Student Services	7,983,000
17-5640 Institutional Support.....	11,968,000
19-5640 Physical Plant and Support Services	<u>10,620,000</u>
Sub-Total General Operations.....	<u>\$73,020,000</u>
Auxiliary Funds Expense.....	4,177,000
Special Funds Expense	<u>25,500,000</u>
Total All Operations	<u>\$102,697,000</u>

Less:

<i>General Services Income</i>	(\$31,477,000)
<i>Auxiliary Funds Income</i>	(4,177,000)
<i>Special Funds Income</i>	(25,500,000)
<i>Total Income Deductions</i>	<u>(\$61,154,000)</u>
Total Appropriation, New Jersey Institute of Technology	<u>\$41,543,000</u>

Personal Services:

Salaries and Wages	(\$48,714,000)
Materials and Supplies	(4,531,000)
Services Other Than Personal.....	(5,803,000)
Maintenance and Fixed Charges.....	(1,725,000)

Special Purpose:

NJIT/Burlington County College	
Engineering Program.....	(100,000)
DEPE Regulatory Efficiency and	
Vehicular Pollution Control Study	(215,000)

Separately Budgeted Research	(586,000)
Continuing Education	(1,120,000)
Scholarships, Grants, Fellowships.....	(4,113,000)
Student Activities.....	(185,000)
Affirmative Action and Equal Employment Opportunity	(60,000)
Board of Trustees	(4,000)
Fringe Benefits/Retirement Allowances..	(2,250,000)
Additions, Improvements and Equipment.....	(3,614,000)
Auxiliary Funds Expense.....	(4,177,000)
Special Funds Expense	(25,500,000)
<i>Less:</i>	
General Services Income.....	(31,477,000)
Auxiliary Funds Income	(4,177,000)
Special Funds Income	(25,500,000)

Actual full-time and part-time undergraduate and graduate enrollments, including summer session undergraduate and graduate enrollments, exclusive of enrollment in Extension and Public Service programs, shall not exceed 5,620 full-time undergraduate and graduate equivalent (FTE) students at the New Jersey Institute of Technology. In the event that actual enrollments exceed 5,845, the amount appropriated hereinabove for New Jersey Institute of Technology may be reduced by a sum equal to the tuition receipts collected by the institute for those full-time undergraduate and graduate equivalent students above 5,845, any such adjustments to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Director of the Division of Budget and Accounting.

The amount hereinabove is made available, subject to the execution of a contract for the purchase of educational services between the Treasurer, State of New Jersey and the Board of Trustees of Schools for Industrial Education of Newark, New Jersey, pursuant to subsection q. of N.J.S18A:3-14.

Total Appropriation, Department of Higher Education	<u>\$689,314,000</u>
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Of the amount appropriated hereinabove for the Department of Higher Education, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page L-39 in the Governor's Budget Recommendation Document dated March 15, 1994 first shall be charged to the State Lottery Fund.

Public colleges and universities are authorized to provide for the early retirement of staff and tenured faculty, consistent with State law, upon terms and conditions as set forth in current regulations and approved by the Director of the Division of Budget and Accounting.

Public colleges and universities are authorized to provide a voluntary employee furlough program.

Any public college or university that receives an appropriation under this act shall include in any letter of acceptance sent to a prospective student during Fiscal Year 1995, information on the average increase in tuition charges during the preceding three years and a statement that tuition may increase in the future.

54 DEPARTMENT OF HUMAN SERVICES

20 Physical and Mental Health

23 Mental Health Services

7700 Division of Mental Health and Hospitals

08-7700 Community Services		\$4,186,000
99-7700 Management and Administrative Services		<u>2,953,000</u>
Total Appropriation, Division of Mental Health and Hospitals		<u>\$7,139,000</u>
Personal Services:		
Salaries and Wages	(\$5,937,000)	
Materials and Supplies	(76,000)	
Services Other Than Personal.....	(564,000)	
Maintenance and Fixed Charges.....	(155,000)	
Special Purpose:		
Affirmative Action and Equal Employment Opportunity.....	(30,000)	
Additions, Improvements and Equipment	(377,000)	

7710 Greystone Park Psychiatric Hospital

10-7710 Patient Care and Health Services....		\$33,941,000
98-7710 Physical Plant and Support Services.....		7,343,000
99-7710 Management and Administrative Services.....		<u>6,892,000</u>
Total Appropriation, Greystone Park Psychiatric Hospital		<u>\$48,176,000</u>
Personal Services:		
Salaries and Wages	(\$39,968,000)	
Materials and Supplies	(4,768,000)	
Services Other Than Personal.....	(2,160,000)	
Maintenance and Fixed Charges.....	(892,000)	
Special Purpose:		
Interim Assistance.....	(54,000)	
Affirmative Action and Equal Employment Opportunity.....	(18,000)	
Additions, Improvements and Equipment	(316,000)	

7720 Trenton Psychiatric Hospital

10-7720 Patient Care and Health Services....		\$24,432,000
98-7720 Physical Plant and Support Services		4,613,000

99-7720 Management and Administrative Services	<u>3,738,000</u>
Sub Total Appropriation, Trenton Psychiatric Hospital	<u>\$32,783,000</u>

Personal Services:

Salaries and Wages	\$27,332,000)
Materials and Supplies.....	(2,672,000)
Services Other Than Personal	(1,525,000)
Maintenance and Fixed Charges	(799,000)
Special Purpose:	
Interim Assistance.....	(22,000)
Affirmative Action and Equal	
Employment Opportunity	(24,000)
Additions, Improvements and Equipment.....	(409,000)

7725 The Forensic Psychiatric Hospital

10-7725 Patient Care and Health Services....	\$9,869,000
98-7725 Physical Plant and Support Services	971,000
99-7725 Management and Administrative Services	<u>1,219,000</u>
Total Appropriation, The Forensic Psychiatric Hospital	<u>\$12,059,000</u>

Personal Services:

Salaries and Wages	(\$10,921,000)
Materials and Supplies.....	(701,000)
Services Other Than Personal	(311,000)
Maintenance and Fixed Charges	(70,000)
Additions, Improvements and Equipment.....	(56,000)

7730 Marlboro Psychiatric Hospital

10-7730 Patient Care and Health Services....	\$40,405,000
98-7730 Physical Plant and Support Services	8,175,000
99-7730 Management and Administrative Services	<u>6,604,000</u>
Sub Total Appropriation, Marlboro Psychiatric Hospital	<u>\$55,184,000</u>

Personal Services:

Salaries and Wages	(\$44,595,000)
Materials and Supplies.....	(5,834,000)
Services Other Than Personal	(2,571,000)
Maintenance and Fixed Charges	(1,360,000)
Special Purpose:	
Interim Assistance.....	(183,000)
Affirmative Action and Equal	
Employment Opportunity	(23,000)
Additions, Improvements and Equipment.....	(618,000)

7740 Ancora Psychiatric Hospital

10-7740 Patient Care and Health Services....	\$34,685,000
98-7740 Physical Plant and Support Services	5,228,000
99-7740 Management and Administrative Services	<u>4,317,000</u>
Sub Total Appropriation, Ancora Psychiatric Hospital	<u>\$44,230,000</u>

Personal Services:

Salaries and Wages	(\$36,832,000)
Materials and Supplies.....	(3,868,000)
Services Other Than Personal	(1,806,000)
Maintenance and Fixed Charges	(934,000)

Special Purpose:

Interim Assistance.....	(363,000)
Affirmative Action and Equal Employment Opportunity	(23,000)
Additions, Improvements and Equipment	(404,000)

7750 Arthur Brisbane Child Treatment Center

10-7750 Patient Care and Health Services....	\$7,248,000
98-7750 Physical Plant and Support Services.....	726,000
99-7750 Management and Administrative Services.....	<u>813,000</u>
Total Appropriation, Arthur Brisbane Child Treatment Center	<u>\$8,787,000</u>
Personal Services:	
Salaries and Wages	(\$7,530,000)
Materials and Supplies	(520,000)
Services Other Than Personal.....	(362,000)
Maintenance and Fixed Charges.....	(124,000)
Additions, Improvements and Equipment	(251,000)

7760 Senator Garrett W. Hagedorn Gero-Psychiatric Hospital

10-7760 Patient Care and Health Services....	\$8,219,000
98-7760 Physical Plant and Support Services.....	1,550,000
99-7760 Management and Administrative Services.....	<u>1,373,000</u>
Total Appropriation, Senator Garrett W. Hagedorn Gero-Psychiatric Hospital	<u>\$11,142,000</u>
Personal Services:	
Salaries and Wages	(\$9,198,000)
Materials and Supplies	(1,010,000)
Services Other Than Personal.....	(583,000)
Maintenance and Fixed Charges.....	(244,000)
Special Purpose:	
Interim Assistance.....	(8,000)
Additions, Improvements and Equipment	(99,000)

Division of Mental Health and Hospitals

Receipts recovered from advances made under the interim assistance program in the mental health institutions during the fiscal year ending June 30, 1995 are appropriated for the same purpose.

The amount appropriated for the Division of Mental Health and Hospitals for State facility operations and the amount appropriated as State aid for the costs of county facility operations first is charged to the federal disproportionate share hospital reimbursements anticipated as Medicaid Uncompensated Care.

*24 Special Health Services**7540 Division of Medical Assistance and Health Services*

21-7540 Health Services Administration and Management	\$16,626,000
24-7540 Pharmaceutical Assistance to the Aged and Disabled	<u>1,967,000</u>
Total Appropriation, Division of Medical Assistance and Health Services	<u>\$18,593,000</u>

Personal Services:

Salaries and Wages	(\$7,724,000)
Materials and Supplies.....	(203,000)
Services Other Than Personal.....	(3,000,000)
Maintenance and Fixed Charges.....	(150,000)

Special Purpose:

Payments to Fiscal Agents	(4,270,000)
Eligibility Determination	(2,000,000)
Affirmative Action and Equal Employment Opportunity	(12,000)
Professional Standards Review Organization-Utilization Review.....	(304,000)
Payments to Fiscal Agents (PAA).....	(734,000)
Additions, Improvements and Equipment.....	(196,000)

Notwithstanding any State law to the contrary, any third party as defined in subsection m. of section 3 of P.L.1968, c.413 (C.30:4D-3), writing health, casualty, or malpractice insurance policies in the State or covering residents of this State, shall permit and assist the Division of Medical Assistance and Health Services to match its Medicaid Eligibility file or files against that third party's file or files utilizing, if necessary, social security numbers as common identifiers.

The unexpended balance as of June 30, 1994 in the Payments to Fiscal Agents account is appropriated.

When any action by a county welfare agency, whether alone or in combination with the Division of Medical Assistance and Health Services, results in a recovery of improperly granted medical assistance, the Division of Medical Assistance and Health Services may reimburse the county welfare agency in the amount of 25% of the gross recovery.

Sufficient funds from the Health Care Subsidy Fund are appropriated to the Division of Medical Assistance and Health Services for payment to disproportionate share hospitals for uncompensated care costs as defined in P.L.1992, c.160 (C.26:2H-18.51 et al.).

Notwithstanding the provisions of P.L.1992, c.160 (C.26:2H-18.51 et al.), the unexpended balances in the "New Jersey

Health Care Trust Fund” and available federal matching funds are appropriated to the Division of Medical Assistance and Health Services for payments to disproportionate share hospitals. Furthermore, notwithstanding the provisions of P.L.1992, c.160, the unexpended balances remaining pursuant to section 4 of P.L.1991, c.187 (C.26:2H-18.27), are appropriated as determined necessary, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law to the contrary, effective July 1, 1992, all individuals other than Medicaid clients shall be assessed a \$100 fee for preadmission screening services provided pursuant to P.L.1988, c.97 (C.30:4D-17.10 et seq.). All receipts from screening fees are appropriated to the Division of Medical Assistance and Health Services for Health Services Administration and Management.

Additional federal Title XIX revenue generated from the claiming of uncompensated care payments made to disproportionate share hospitals shall be deposited in the General Fund as anticipated revenue.

The Division of Medical Assistance and Health Services, in coordination with the county welfare agencies, shall continue a program to outstation eligibility workers in disproportionate share hospitals and federally qualified health centers.

The unexpended balance as of June 30, 1994 related to Fiscal Year 1993 program costs, recognizing savings generated by the Garden State Health Plan, shall first be used to fund the administrative costs of managed care and other Medicaid planning functions in the Division of Medical Assistance and Health Services and the remainder shall lapse to the General Fund.

Notwithstanding the provisions of any other law to the contrary, all Medicaid providers utilizing the Medicaid Eligibility Verification System (MEVS) shall be assessed a computer access inquiry fee. All receipts from these inquiry fees are appropriated to the Division of Medical Assistance and Health Services for Health Services Administration and Management.

School based Medicaid revenue received by the State shall be shared with the local education agencies, subject to the approval of the Director of the Division of Budget and Accounting. Also, the administrative costs of this initiative, including the participation of the consultant, and payment to the vendor for their efforts in other federal maximizing initiatives are ap-

appropriated and shall be paid from the School Based Medicaid revenue and the Maximization of Federal HCFA Reimbursement revenue received, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law to the contrary, all past, present and future revenues representing federal financial participation received by the State from the United States and that is based on payments made by the State to hospitals that serve a disproportionate share of low-income patients shall be deposited in the General Fund and may be expended only upon appropriation by law.

30 Educational, Cultural and Intellectual Development

32 Operation and Support of Educational Institutions

7600 Division of Developmental Disabilities

99-7600 Management and Administrative Services	<u>\$8,223,000</u>
Total State and Federal Appropriation	<u>\$8,223,000</u>

Less:

Federal Funds

Management and Administrative Services	(\$5,097,000)	
Total Federal Funds		<u>(\$5,097,000)</u>
Total Appropriation, Division of Developmental Disabilities		<u>\$3,126,000</u>

Personal Services:

Salaries and Wages	(\$6,273,000)
Materials and Supplies	(33,000)
Services Other Than Personal	(308,000)
Maintenance and Fixed Charges	(162,000)

Special Purpose:

Foster Grandparents Program	(755,000)
Developmental Disabilities Council	(306,000)
Additions, Improvements and Equipment	(386,000)

Less:

Federal Funds	(5,097,000)
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7601 Community Programs

01-7601 Purchased Residential Care	\$789,000
02-7601 Social Supervision and Consultation	10,911,000
03-7601 Adult Activities	11,099,000
04-7601 Education and Day Training	<u>26,567,000</u>
Total State, Federal and All Other Funds Appropriation	<u>\$49,366,000</u>

Less:

Federal Funds

Purchased Residential Care	(\$144,000)	
Social Supervision and Consultation	(8,168,000)	
Adult Activities	(3,977,000)	
Education and Day Training	<u>(475,000)</u>	
Total Federal Funds		<u>(\$12,764,000)</u>

<i>All Other Funds</i>		
Purchased Residential Care.....	(\$26,000)	
Education and Day Training.....	(16,491,000)	
Total All Other Funds		<u>(\$16,517,000)</u>
Total Appropriation, Community Programs		<u>\$20,085,000</u>
Personal Services:		
Salaries and Wages	(\$40,317,000)	
Materials and Supplies	(2,152,000)	
Services Other Than Personal.....	(1,502,000)	
Maintenance and Fixed Charges.....	(4,758,000)	
Special Purpose:		
Guardianship Program	(285,000)	
Homemaker Services (State Share).....	(133,000)	
Social Services.....	(32,000)	
Additions, Improvements and Equipment	(187,000)	
Less:		
Federal Funds.....	(12,764,000)	
All Other Funds	(16,517,000)	

Notwithstanding the provisions of any law to the contrary, the unexpended balances as of June 30, 1994 in the tuition receipt accounts established pursuant to P.L.1979, c.207 (C.18A:7B-1 et seq.) in the various departments are appropriated for education-related transportation costs and other day training related costs in the Division of Developmental Disabilities and program administration costs of the Office of Education in such amounts as the Director of the Division of Budget and Accounting shall determine to be necessary; except that such amounts shall not be in excess of \$1,400,000.

7610 Green Brook Regional Center

05-7610 Residential Care and Habilitation...	\$3,272,000
06-7610 Health Services.....	855,000
07-7610 Education and Training	657,000
98-7610 Physical Plant and Support Services	1,478,000
99-7610 Management and Administrative Services	<u>1,761,000</u>
Total State and Federal Funds Appropriation	<u>\$8,023,000</u>
Less:	
<i>Federal Funds</i>	
Residential Care and Habilitation	(\$2,958,000)
Health Services	(718,000)
Education and Training	(634,000)
Physical Plant and Support Services	(918,000)
Management and Administrative Services	(577,000)
Total Federal Funds.....	<u>(\$5,805,000)</u>
Total Appropriation, Green Brook Regional Center	<u>\$2,218,000</u>
Personal Services:	
Salaries and Wages	(\$5,805,000)
Materials and Supplies	(848,000)

Services Other Than Personal	(347,000)
Maintenance and Fixed Charges	(229,000)
Special Purpose:	
Green Brook Mortgage	(715,000)
Additions, Improvements and Equipment.....	(79,000)
Less:	
Federal Funds	(5,805,000)

7620 Vineland Developmental Center

05-7620 Residential Care and Habilitation ...	\$38,449,000
06-7620 Health Services	11,236,000
07-7620 Education and Training	990,000
98-7620 Physical Plant and Support Services	6,270,000
99-7620 Management and Administrative Services	<u>5,757,000</u>
Total State and Federal Funds Appropriation	<u>\$62,702,000</u>

Less:

Federal Funds

Residential Care and Habilitation	(\$13,968,000)
Health Services	(3,905,000)
Physical Plant and Support Services.....	(1,241,000)
Management and Administrative Services	<u>(610,000)</u>
Total Federal Funds.....	<u>(\$19,724,000)</u>
Total Appropriation, Vineland Developmental Center	<u>\$42,978,000</u>

Personal Services:

Salaries and Wages	(\$53,517,000)
Materials and Supplies	(5,998,000)
Services Other Than Personal	(1,812,000)
Maintenance and Fixed Charges	(826,000)
Special Purpose:	
Family Care	(6,000)
Additions, Improvements and Equipment.....	(543,000)
Less:	
Federal Funds	(19,724,000)

7630 North Jersey Developmental Center

05-7630 Residential Care and Habilitation ...	\$19,887,000
06-7630 Health Services	6,718,000
07-7630 Education and Training	1,350,000
98-7630 Physical Plant and Support Services	3,400,000
99-7630 Management and Administrative Services	<u>3,545,000</u>
Total State, Federal and All Other	
Funds Appropriation.....	<u>\$34,900,000</u>

Less:

Federal Funds

Residential Care and Habilitation	(\$8,076,000)
Health Services	(2,458,000)
Physical Plant and Support Services.....	(476,000)
Management and Administrative Services	<u>(769,000)</u>
Total Federal Funds	<u>(\$11,779,000)</u>

<i>All Other Funds</i>		
Education and Training	(\$772,000)	
Total All Other Funds		<u>(\$772,000)</u>
Total Appropriation, North Jersey Developmental Center		<u>\$22,349,000</u>
Personal Services:		
Salaries and Wages	(\$28,854,000)	
Materials and Supplies	(3,025,000)	
Services Other Than Personal	(2,246,000)	
Maintenance and Fixed Charges	(587,000)	
Additions, Improvements and Equipment	(188,000)	
Less:		
Federal Funds	(11,779,000)	
All Other Funds	(772,000)	

7640 Woodbine Developmental Center

05-7640 Residential Care and Habilitation ...		\$25,292,000
06-7640 Health Services		6,514,000
07-7640 Education and Training		368,000
98-7640 Physical Plant and Support Services		4,557,000
99-7640 Management and Administrative Services		<u>5,176,000</u>
Total State and Federal Funds Appropriation		<u>\$41,907,000</u>
Less:		
Federal Funds		
Residential Care and Habilitation	(\$8,954,000)	
Health Services	(1,976,000)	
Physical Plant and Support Services	(1,488,000)	
Management and Administrative Services	<u>(798,000)</u>	
Total Federal Funds		<u>(\$13,216,000)</u>
Total Appropriation, Woodbine Developmental Center		<u>\$28,691,000</u>
Personal Services:		
Salaries and Wages	(\$34,574,000)	
Materials and Supplies	(4,618,000)	
Services Other Than Personal	(1,697,000)	
Maintenance and Fixed Charges	(576,000)	
Additions, Improvements and Equipment	(442,000)	
Less:		
Federal Funds	(13,216,000)	

7650 New Lisbon Developmental Center

05-7650 Residential Care and Habilitation ...		\$28,346,000
06-7650 Health Services		8,259,000
07-7650 Education and Training		1,675,000
98-7650 Physical Plant and Support Services		5,034,000
99-7650 Management and Administrative Services		<u>3,020,000</u>
Total State, Federal and All Other Funds Appropriation		<u>\$46,334,000</u>
Less:		
Federal Funds		
Residential Care and Habilitation	(\$15,119,000)	
Health Service	(5,835,000)	
Physical Plant and Support Services	(2,034,000)	
Management and Administrative Services	<u>(838,000)</u>	
Total Federal Funds		<u>(\$23,826,000)</u>

All Other Funds

<i>Education and Training</i>	<i>(\$560,000)</i>	
<i>Total All Other Funds.....</i>		<u><i>(\$560,000)</i></u>
<i>Total Appropriation, New Lisbon Developmental Center</i>		<u><i>\$21,948,000</i></u>

Personal Services:

<i>Salaries and Wages</i>	<i>(\$40,895,000)</i>
<i>Materials and Supplies.....</i>	<i>(3,475,000)</i>
<i>Services Other Than Personal.....</i>	<i>(1,105,000)</i>
<i>Maintenance and Fixed Charges.....</i>	<i>(539,000)</i>
<i>Additions, Improvements and Equipment.....</i>	<i>(320,000)</i>

Less:

<i>Federal Funds.....</i>	<i>(23,826,000)</i>
<i>All Other Funds.....</i>	<i>(560,000)</i>

7660 Woodbridge Developmental Center

<i>05-7660 Residential Care and Habilitation..</i>	<i>\$26,353,000</i>
<i>06-7660 Health Services.....</i>	<i>5,919,000</i>
<i>07-7660 Education and Training</i>	<i>801,000</i>
<i>98-7660 Physical Plant and Support Services</i>	<i>3,938,000</i>
<i>99-7660 Management and Administrative Services</i>	<u><i>2,947,000</i></u>
<i>Total State, Federal and All Other Funds Appropriation</i>	<u><i>\$39,958,000</i></u>

*Less:**Federal Funds*

<i>Residential Care and Habilitation</i>	<i>(\$11,900,000)</i>	
<i>Health Services</i>	<i>(725,000)</i>	
<i>Physical Plant and Support Services.....</i>	<i>(382,000)</i>	
<i>Management and Administrative Services</i>	<i>(1,290,000)</i>	
<i>Total Federal Funds.....</i>		<u><i>\$14,297,000</i></u>

All Other Funds

<i>Education and Training</i>	<i>(\$600,000)</i>	
<i>Total All Other Funds.....</i>		<u><i>(\$600,000)</i></u>
<i>Total Appropriation, Woodbridge Developmental Center</i>		<u><i>\$25,061,000</i></u>

Personal Services:

<i>Salaries and Wages</i>	<i>(\$34,182,000)</i>
<i>Materials and Supplies.....</i>	<i>(3,827,000)</i>
<i>Services Other Than Personal.....</i>	<i>(1,076,000)</i>
<i>Maintenance and Fixed Charges.....</i>	<i>(495,000)</i>
<i>Additions, Improvements and Equipment.....</i>	<i>(378,000)</i>

Less:

<i>Federal Funds.....</i>	<i>(14,297,000)</i>
<i>All Other Funds.....</i>	<i>(600,000)</i>

7670 Hunterdon Developmental Center

<i>05-7670 Residential Care and Habilitation...</i>	<i>\$23,248,000</i>
<i>06-7670 Health Services.....</i>	<i>7,077,000</i>
<i>07-7670 Education and Training</i>	<i>1,300,000</i>
<i>98-7670 Physical Plant and Support Services</i>	<i>5,914,000</i>
<i>99-7670 Management and Administrative Services</i>	<u><i>2,748,000</i></u>
<i>Total State, Federal and All Other Funds Appropriation</i>	<u><i>\$40,287,000</i></u>

*Less:**Federal Funds*

<i>Residential Care and Habilitation</i>	<i>(\$6,545,000)</i>	
<i>Health Services</i>	<i>(1,215,000)</i>	
<i>Physical Plant and Support Services</i>	<i>(1,525,000)</i>	
<i>Management and Administrative Services</i>	<i>(927,000)</i>	
<i>Total Federal Funds</i>		<i><u>(\$10,212,000)</u></i>

All Other Funds

<i>Education and Training</i>	<i>(\$400,000)</i>	
<i>Total All Other Funds</i>		<i><u>(\$400,000)</u></i>

Total Appropriation, Hunterdon

<i>Developmental Center</i>		<i><u>\$29,675,000</u></i>
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Personal Services:

<i>Salaries and Wages</i>	<i>(\$34,132,000)</i>
<i>Materials and Supplies</i>	<i>(4,127,000)</i>
<i>Services Other Than Personal</i>	<i>(1,064,000)</i>
<i>Maintenance and Fixed Charges</i>	<i>(601,000)</i>
<i>Additions, Improvements and Equipment</i>	<i>(363,000)</i>

Less:

<i>Federal Funds</i>	<i>(10,212,000)</i>
<i>All Other Funds</i>	<i>(400,000)</i>

7690 North Princeton Developmental Center

<i>05-7690 Residential Care and Habilitation...</i>	<i>\$23,125,000</i>
<i>06-7690 Health Services</i>	<i>6,429,000</i>
<i>07-7690 Education and Training</i>	<i>188,000</i>
<i>98-7690 Physical Plant and Support Services</i>	<i>6,718,000</i>
<i>99-7690 Management and Administrative Services</i>	<i><u>2,973,000</u></i>
<i>Total State, Federal and All Other Funds Appropriation</i>	<i><u>\$39,433,000</u></i>

*Less:**Federal Funds*

<i>Residential Care and Habilitation</i>	<i>(\$6,812,000)</i>	
<i>Health Services</i>	<i>(1,058,000)</i>	
<i>Physical Plant and Support Services</i>	<i>(965,000)</i>	
<i>Management and Administrative Services</i>	<i>(844,000)</i>	
<i>Total Federal Funds</i>		<i><u>(\$9,679,000)</u></i>

All Other Funds

<i>Education and Training</i>	<i>(\$47,000)</i>	
<i>Total All Other Funds</i>		<i><u>(\$47,000)</u></i>

*Total Appropriation, North Princeton Developmental Center**\$29,707,000**Personal Services:*

<i>Salaries and Wages</i>	<i>(\$33,041,000)</i>
<i>Materials and Supplies</i>	<i>(3,132,000)</i>
<i>Services Other Than Personal</i>	<i>(2,180,000)</i>
<i>Maintenance and Fixed Charges</i>	<i>(707,000)</i>
<i>Additions, Improvements and Equipment</i>	<i>(373,000)</i>

Less:

<i>Federal Funds</i>	<i>(9,679,000)</i>
<i>All Other Funds</i>	<i>(47,000)</i>

Division of Developmental Disabilities

In addition to the amount hereinabove for Operation and Support of Education Institutions of the Division of Developmental Disabilities, such other sums as the Director of the Division of Budget and Accounting shall determine, provided in Inter-departmental accounts for employee benefits, are considered as appropriated on behalf of the Developmental Centers and are available for matching federal funds.

The State appropriation is based on ICF/MR revenues of \$168,335,000, provided that if the ICF/MR revenues exceed \$168,335,000, there will be placed in reserve a portion of the State appropriation equal to the excess amount of ICF/MR revenues, subject to the approval of the Director of the Division of Budget and Accounting.

33 Supplemental Education and Training Programs
7560 Commission for the Blind and Visually Impaired

11-7560 Habilitation and Rehabilitation	\$2,838,000
12-7560 Instruction, Community Programs and Prevention	1,302,000
99-7560 Management and Administrative Services	<u>1,570,000</u>
Total Appropriation, Commission for the Blind and Visually Impaired	<u>\$5,710,000</u>
Personal Services:	
Salaries and Wages	(\$4,779,000)
Materials and Supplies	(136,000)
Services Other Than Personal	(581,000)
Maintenance and Fixed Charges	(196,000)
Additions, Improvements and Equipment	(18,000)

Notwithstanding the provisions of N.J.S.18A:61-1 and N.J.S.18A:46-13, or any other law to the contrary, local boards of education shall reimburse the Commission for the Blind and Visually Impaired for the documented costs of providing services to children who are classified as "educationally handicapped"; provided however, that each local board shall pay that portion of cost which the number of children classified "educationally handicapped" bears to the total number of such children served; provided further, however, that payments shall be made by each local board in accordance with a schedule adopted by the Commissioners of Education and Human Services; and further the Director of the Division of Budget and Accounting is authorized to deduct such reimbursements from the State aid payments to the local boards of education.

There is appropriated from funds recovered from audits or other collection activities an amount sufficient to pay vendors fees to compensate the recoveries, and the administration of the State's vending machine program, subject to the approval of the Director of the Division of Budget and Accounting. Receipts in excess of \$130,000 are appropriated for the purpose of expanding vision screening services, subject to the approval of the Director of the Division of Budget and Accounting.

50 Economic Planning, Development and Security

53 Economic Assistance and Security

7550 Division of Family Development

15-7550 Income Maintenance Management.		<u>\$17,445,000</u>
Total Appropriation, Division of		
Family Development		<u>\$17,445,000</u>
Personal Services:		
Salaries and Wages	(\$8,729,000)	
Materials and Supplies	(240,000)	
Services Other Than Personal.....	(7,414,000)	
Maintenance and Fixed Charges.....	(156,000)	
Special Purpose:		
Electronic Benefit Transfer/Distribution System	(518,000)	
Non Public Assistance Legal Services,		
Child Support	(150,000)	
Food Stamp Regional Centers.....	(154,000)	
Affirmative Action and Equal		
Employment Opportunity	(8,000)	
Family Development Program	(65,000)	
Additions, Improvements and Equipment ...	(11,000)	

Any federal funds received by the Division of Family Development for the direct or indirect costs incurred by the Department of Labor for the operation of the Wage Reporting System shall be deposited in the General Treasury.

Receipts derived from counties and local governments for data processing services and the unexpended balance of such receipts as of June 30, 1994 are appropriated.

The State appropriation shall be based upon a federal financial participation rate of 48%; but if the federal participation rate exceeds this percentage, there will be placed in reserve a portion of the State appropriation equal to the amount of additional federal funds, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1994 in the Electronic Benefit Transfer/Distribution System account is appropriated.

In addition to the anticipated State share of gross child support collections, an amount not to exceed \$1,000,000 is appropriated for administrative expenses needed to enhance child support collection efforts within the Division of Family Development, subject to the approval of the Director of the Division of Budget and Accounting.

55 Social Services Programs

7570 Division of Youth and Family Services

16-7570 Initial Response/Case Management	\$93,393,000
17-7570 Substitute Care	10,355,000
18-7570 General Social Services	9,977,000
99-7570 Management and Administrative Services	<u>20,946,000</u>
Total State and Federal Appropriation	<u>\$134,671,000</u>

Less:

Federal Funds

Initial Response/Case Management	(\$37,364,000)	
Substitute Care	(6,303,000)	
General Social Services	(7,733,000)	
Management and Administrative Services	<u>(13,969,000)</u>	
Total Federal Funds		<u>(\$65,369,000)</u>
Total Appropriation, Division of Youth and Family Services		<u>\$69,302,000</u>

Personal Services:

Salaries and Wages	(\$110,698,000)
Materials and Supplies	(2,439,000)
Services Other Than Personal	(9,927,000)
Maintenance and Fixed Charges	(9,948,000)

Special Purpose:

Affirmative Action and Equal Employment Opportunity	(50,000)
Additions, Improvements and Equipment	(1,609,000)

Less:

Federal Funds	(65,369,000)
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The unexpended balance as of June 30, 1994 in the Family Day Care Registration-Central Registry Searches account is appropriated.

Notwithstanding the provisions of any law to the contrary, amounts that become available as a result of the privatization of services at six of the eleven State-operated day care centers that are now directly provided by the Division of Youth and Family Services may be transferred to the Purchase of Day Care account, subject to the approval of the Director of the Division of Budget and Accounting.

7580 Division of the Deaf and Hard of Hearing

23-7580 Services for the Deaf	<u>\$347,000</u>
Total Appropriation, Division of the Deaf and Hard of Hearing	<u>\$347,000</u>
Personal Services:	
Salaries and Wages	(\$220,000)

Materials and Supplies	(44,000)
Services Other Than Personal.....	(41,000)
Maintenance and Fixed Charges.....	(1,000)
Special Purpose:	
Services to Deaf Clients.....	(40,000)
Additions, Improvements and Equipment	(1,000)

*56 Juvenile Services**7593 Juvenile Community Programs*

34-7593 Juvenile Rehabilitation		<u>\$14,961,000</u>
Total Appropriation, Juvenile Community Programs		<u>\$14,961,000</u>
Personal Services:		
Salaries and Wages	(\$11,909,000)	
Materials and Supplies	(1,383,000)	
Services Other Than Personal.....	(934,000)	
Maintenance and Fixed Charges.....	(637,000)	
Special Purpose:		
Other Special Purpose.....	(1,000)	
Additions, Improvements and Equipment	(97,000)	

*70 Government Direction, Management and Control**76 Management and Administration**7500 Division of Management and Budget*

87-7500 Research, Policy and Planning		\$716,000
96-7500 Institutional Security Services		3,370,000
99-7500 Management and Administrative Services		<u>6,820,000</u>
Total Appropriation, Division of Management and Budget		<u>\$10,906,000</u>
Personal Services:		
Salaries and Wages	(\$7,874,000)	
Materials and Supplies	(78,000)	
Services Other Than Personal.....	(1,352,000)	
Maintenance and Fixed Charges.....	(395,000)	
Special Purpose:		
Rehabilitation Services Scholarships	(150,000)	
Affirmative Action and Equal		
Employment Opportunity	(67,000)	
Nursing Scholarship Program	(534,000)	
Transfer to State Police for		
Fingerprinting/Background Checks		
of Job Applicants.....	(400,000)	
Additions, Improvements and Equipment	(56,000)	

Notwithstanding the provisions of any law to the contrary, the Department of Human Services is authorized to identify opportunities for increased recoveries to the General Fund and to the department. Such funds collected shall be appropriated, subject to the approval of the Director of the Division of Budget and Accounting in accordance with a plan approved by the Director of the Division of Budget and Accounting.

Revenues representing receipts to the General Fund from charges to Residents' trust accounts for maintenance costs are appropriated for use as personal needs allowances for patients/residents who have no other source of funds for these purposes; except that the total amount herein for these allowances shall not exceed \$1,375,000 and that any increase in the maximum monthly allowance shall be approved by the Director of the Division of Budget and Accounting.

Additional federal funds available from the Community care waiver program are appropriated for use as a Bridge Fund for community care initiatives, subject to the approval of the Director of the Division of Budget and Accounting of an itemized plan for the expenditure of these amounts, as shall be submitted by the Commissioner of Human Services.

Total Appropriation, Department of Human Services	<u>\$582,602,000</u>
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Balances on hand as of June 30, 1994 of funds held for the benefit of patients in the several institutions, and such funds as may be received, are appropriated for the use of the patients.

Funds received from the sale of articles made in occupational therapy departments of the several institutions are appropriated for the purchase of additional material and other expenses incidental to such sale or manufacture.

Of the amount appropriated hereinabove for the Department of Human Services, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page L-39 in the Governor's Budget Recommendation Document dated March 15, 1994 first shall be charged to the State Lottery Fund.

A pro-rata share of all Low Income Energy Assistance Block Grant funds received by the Department of Human Services is to be allocated immediately upon receipt to the Departments of Community Affairs and Health to enable these departments to implement programs funded by this block grant.

Any change in program eligibility criteria and increases in the types of services or rates paid for services to or on behalf of clients for all programs under the purview of the Department of Human Services, not mandated by federal law, shall first be approved by the Director of the Division of Budget and Accounting.

58 DEPARTMENT OF INSURANCE
 50 *Economic Planning, Development and Security*
 52 *Economic Regulation*

01-3110 Licensing and Enforcement	\$3,520,000
02-3120 Actuarial Services.....	2,221,000
03-3130 Regulation of the Real Estate Industry	1,811,000
04-3110 Public and Regulatory Services	729,000
05-3160 Unsatisfied Claims	1,670,000
99-3150 Management and Administrative Services	<u>1,098,000</u>
Total Appropriation, Economic Regulation	<u>\$11,049,000</u>
Personal Services:	
Real Estate Commissioners.....	(\$81,000)
Salaries and Wages	(9,357,000)
Materials and Supplies	(210,000)
Services Other Than Personal.....	(1,121,000)
Maintenance and Fixed Charges.....	(260,000)
Special Purpose:	
Affirmative Action and Equal	
Employment Opportunity	(20,000)

Receipts from the investigation of out-of-State land sales are appropriated for the conduct of such investigations.

There are appropriated from the Real Estate Guaranty Fund such sums as may be necessary to pay claims.

There is appropriated from receipts a sum in accordance with the limitations of section 1 of P.L.1949, c.248 (C.17:24-13) to defray the expenses of the Committee on Valuation of Securities of the National Association of Insurance Commissioners.

The amount hereinabove for Unsatisfied Claims is appropriated out of the Unsatisfied Claim and Judgment Fund and, in addition, there are appropriated out of that fund additional sums as may be necessary for the payment of claims pursuant to section 7 of P.L.1952, c.174 (C.39:6-67), and for such additional costs as may be required to administer the fund pursuant to P.L.1952, c.174 (C.39:6-61 et seq.).

There are appropriated to administer the "New Jersey Insurance Fraud Prevention Act," P.L.1983, c.320 (C.17:33A-1 et seq.), as amended by P.L.1987, c.358, such sums as are prescribed by the act.

Receipts derived from financial condition examinations or actuarial certifications of loss reserves are appropriated for the conduct of such examinations or certifications, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from the examinations associated with issuing certificates of self-insurance for motor vehicles and workers' compensation are appropriated for the conduct of such examinations, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated out of the New Jersey Automobile Insurance Guaranty Fund such sums as may be necessary to satisfy the financial obligations of the New Jersey Automobile Full Insurance Underwriting Association, as set forth in the "Fair Automobile Insurance Reform Act of 1990," P.L.1990, c.8 (C.17:33B-1 et al.), subject to the provisions of subsection e. of section 23 of P.L.1990, c.8 (C.17:33B-5).

Notwithstanding the provisions of section 6 of P.L.1983, c.65 (C.17:29A-35), the receipts otherwise remaining prior to October 1, 1991, derived from surcharges levied on drivers in accordance with the New Jersey Automobile Insurance Reform Act of 1982-Merit Rating System Surcharge Program, P.L.1983, c.65 (C.17:29A-33 et al.) are appropriated to the New Jersey Automobile Full Insurance Underwriting Association. Those receipts otherwise remaining on and after October 1, 1991, are appropriated to the New Jersey Automobile Insurance Guaranty Fund.

There are appropriated from assessments as imposed by the New Jersey Individual Health Coverage Board, created pursuant to the "Individual Health Insurance Reform Act," P.L.1992, c.161 (C.17B:27A-2 et seq.), and by the New Jersey Small Employer Health Excess Insurance Board, created pursuant to P.L.1992, c.162 (C.17B:27A-17 et seq.), such sums as may be necessary to carry out the provisions of these acts, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1994 in the Public Adjusters' Licensing account, together with receipts derived from the "Public Adjusters' Licensing Act," P.L.1993, c.66 (C.17:22B-1 et seq.), are appropriated for the administration of the act, subject to the approval of the Director of the Division of Budget and Accounting.

The additional taxes paid on the taxable premiums of insurers, pursuant to P.L.1990, c.8 (C.17:33B-1 et al.), shall be deposited in a dedicated account in the Department of Insurance for the payment of administrative costs related to its statutory duties, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of those anticipated are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances in the Fair Automobile Insurance Reform Act accounts established pursuant to P.L.1990, c.8 (C.17:33B-1 et seq.) not to exceed \$2,000,000 are lapsed as determined by the Director of the Division of Budget and Accounting.

All monies deposited in the DMV Surcharge Fund are appropriated to the Market Transition Facility Revenue Fund in accordance with the provisions of P.L.1994, c.57.

Total Appropriation, Department of Insurance	<u>\$11,049,000</u>
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62 DEPARTMENT OF LABOR

50 Economic Planning, Development and Security

51 Economic Planning and Development

18-4570 Planning and Research	\$740,000
99-4565 Management and Administrative Services	<u>658,000</u>
Total Appropriation, Economic Planning and Development	<u>\$1,398,000</u>

Personal Services:

Salaries and Wages	(\$1,067,000)
Materials and Supplies	(22,000)
Services Other Than Personal.....	(208,000)
Maintenance and Fixed Charges.....	(35,000)

Special Purpose:

Affirmative Action and Equal Employment Opportunity	(62,000)
Additions, Improvements and Equipment	(4,000)

Such sums as may be necessary to collect the contributions pursuant to the "Health Care Reform Act," P.L.1992, c.160 (C.26B:2H-18.51 et al.), are appropriated from the Health Care Subsidy Fund, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Planning and Research program classification is appropriated from the Unemployment Compensation Auxiliary Fund.

52 Economic Regulation

11-4550 Promulgation and Licensing of Workplace Standards	\$576,000
12-4550 Enforcement of Workplace Standards	<u>6,088,000</u>
Total Appropriation, Economic Regulation	<u>\$6,664,000</u>

Personal Services:

Salaries and Wages	(\$5,601,000)
Materials and Supplies	(37,000)
Services Other Than Personal.....	(441,000)
Maintenance and Fixed Charges.....	(161,000)

Special Purpose:

Carnival Amusement Ride Safety Advisory Board	(1,000)
Safety Commission	(3,000)
Worker and Community Right To Know Act	(335,000)
Additions, Improvements and Equipment.....	(85,000)

There are appropriated out of the Wage and Hour Trust Fund and the Prevailing Wage Act Trust Fund such sums as may be necessary for payments.

Notwithstanding the provisions of the "Worker and Community Right to Know Act," P.L.1983, c.315 (C.34:5A-1 et seq.), the amount hereinabove for the Worker and Community Right to Know Act account is payable out of the Worker and Community Right to Know Trust Fund. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately. In addition to the amounts hereinabove, there are appropriated out of the Worker and Community Right to Know Trust Fund such additional sums, not to exceed \$67,000, to administer the Right to Know program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated for the Workplace Standards program are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

53 Economic Assistance and Security

01-4510 Unemployment Insurance	\$100,000
03-4520 State Disability Insurance Plan	21,791,000
04-4520 Private Disability Insurance Plan....	3,234,000
05-4525 Workers' Compensation	8,876,000
06-4530 Special Compensation	<u>1,509,000</u>
Total Appropriation, Economic Assistance and Security	<u>\$35,510,000</u>

Personal Services:

Salaries and Wages	(\$21,863,000)
Materials and Supplies.....	(495,000)
Services Other Than Personal.....	(4,949,000)
Maintenance and Fixed Charges.....	(408,000)

Special Purpose:

Set-Off of Individual Liabilities Program	(100,000)
Reimbursement To Unemployment	
Insurance For Joint Tax Functions	(6,600,000)
Other Special Purpose	(60,000)
Additions, Improvements and Equipment.....	(1,035,000)

The amounts hereinabove for State Disability Insurance Plan and Private Disability Insurance Plan are payable out of the State Disability Benefit Fund and, in addition to the amounts herein-

above, there are appropriated out of the State Disability Benefit Fund such additional sums as may be required to administer the Disability Insurance Program and such sums as may be necessary to pay disability benefits, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for Special Compensation is payable out of the Special Compensation Fund and, notwithstanding the \$12,500 limitation set forth in R.S.34:15-95, in addition to the amounts hereinabove, there are appropriated out of the Special Compensation Fund such additional sums as may be required for costs of administration and beneficiary payments.

The State Treasurer is directed to transfer to the General Fund the sum of \$50,000 from the excess in the Special Compensation Fund over the sum of \$1,250,000 accumulated as of June 30, 1994, pursuant to R.S.34:15-94.

There is appropriated out of the balance in the Second Injury Fund an amount not to exceed \$1,000,000 to be deposited to the credit of the Uninsured Employers' Fund for the payment of benefits as determined in accordance with R.S.34:15-1202. Any amount so transferred shall be included in the next Uninsured Employers' Fund surcharge imposed in accordance with R.S.34:15-1201 and such amount shall be returned to the Second Injury Fund without interest. Furthermore, any amount so transferred shall be included in "net assets" pursuant to R.S.34:15-94c(4).

The amount hereinabove for the Unemployment Insurance program classification is appropriated from the Unemployment Compensation Auxiliary Fund.

Receipts in excess of the amount anticipated for the Workers' Compensation program are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Amounts to administer the Uninsured Employers' Fund are appropriated from the Uninsured Employers' Fund, subject to the approval of the Director of the Division of Budget and Accounting.

54 Manpower and Employment Services

07-4535 Vocational Rehabilitation Services.	\$2,447,000
10-4545 Employment Development Services	286,000
16-4555 Public Sector Labor Relations	2,310,000
16-4556 Public Sector Labor Relations	68,000
17-4560 Private Sector Labor Relations	<u>619,000</u>
Total Appropriation, Manpower and Employment Services	<u>\$5,730,000</u>

Personal Services:

Salaries and Wages	(\$4,851,000)
Materials and Supplies	(36,000)
Services Other Than Personal	(483,000)
Maintenance and Fixed Charges	(33,000)

Special Purpose:

State Employment and Training Commission	(286,000)
Additions, Improvements and Equipment	(41,000)

The sum hereinabove for the Vocational Rehabilitation Services program classification is available for the payment of obligations applicable to prior fiscal years.

The amount hereinabove for the Vocational Rehabilitation Services program classification is appropriated from the Unemployment Compensation Auxiliary Fund.

Notwithstanding the provisions of the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100, as amended by P.L.1968, c.303 (C.34:13A-1 et seq.), the cost of fact-finding shall be borne equally by the public employer and the exclusive employee representative.

Pursuant to the provisions of the "1992 New Jersey Employment and Workforce Development Act," P.L.1992, c.43 (C.34:15D-1 et seq.), funds shall be made available to the Department of Labor and the State Employment and Training Commission, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Private Sector Labor Relations program classification is appropriated from the Unemployment Compensation Auxiliary Fund.

Total Appropriation, Department of Labor	<u>\$49,302,000</u>
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66 DEPARTMENT OF LAW AND PUBLIC SAFETY

*10 Public Safety and Criminal Justice**11 Vehicular Safety*

01-1110 Revenue and Information Processing Systems	\$19,504,000
02-1110 Licensing, Registration and Inspection Services	55,350,000
03-1110 Driver Control and Regulatory Affairs	10,554,000
04-1140 Security Responsibility	6,128,000
89-1110 Revenue Collection Services	8,839,000
99-1110 Management and Administrative Services	3,885,000
99-1120 Management and Administrative Services	<u>3,092,000</u>
Total Appropriation, Vehicular Safety	<u>\$107,352,000</u>

Personal Services:

Salaries and Wages	(\$67,081,000)
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Materials and Supplies	(5,421,000)
Services Other Than Personal.....	(21,091,000)
Maintenance and Fixed Charges.....	(1,583,000)
Special Purpose:	
DMV Operations - Extended Hours.....	(4,095,000)
Agency Operations.....	(7,232,000)
Federal Highway Safety Program-	
-State Match	(338,000)
Affirmative Action and Equal	
Employment Opportunity.....	(76,000)
Additions, Improvements and Equipment	(435,000)

Receipts derived pursuant to section 2 of P.L.1989, c.202 (C.39:3-33.9) are appropriated for the preparation and issuance of reflectorized license plates, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1994, in the Auto Body Licensing and Enforcement program account, together with any receipts in excess of the amount anticipated, is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The amount appropriated hereinabove for the Auto Body Licensing and Enforcement program is payable out of receipts from the Auto Body Licensing and Enforcement program pursuant to section 6 of P.L.1983, c.360 (C.39:13-6). If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Receipts in excess of the amount anticipated for photo licensing, derived pursuant to section 2 of P.L.1979, c.261 (C.39:3-10g), are appropriated to administer the program, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1994, in the Decal Refund - Axle Tax program is appropriated for the payment of claims directed against the State, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated for the Commercial Driver License Program are appropriated to offset the costs of administering the program pursuant to the "New Jersey Commercial Driver License Act," P.L.1990, c.103 (C.39:3-10.9 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

The sum hereinabove for Agency Operations is available for maintaining services at public and privately operated motor vehicle agencies; provided, however, that the expenditures

thereof are subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived pursuant to the New Jersey Medical Service Helicopter Response Act under section 1 of P.L.1992, c.87 (C.39:3-8.2) are appropriated to the Division of State Police and the Department of Health to defray the operating costs of the program as authorized under P.L.1986, c.106 (C.26:2K-35 et seq.). The unexpended balance as of June 30, 1994, is appropriated to the special capital maintenance reserve account for capital replacement and major maintenance of helicopter equipment, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance in the Federal Highway Safety Program-State Match account, including the accounts of the several departments, as of June 30, 1994, is appropriated for such highway safety projects.

The amount appropriated hereinabove for the Parking Offenses Adjudication Act program is payable from receipts derived from parking offense adjudication collected pursuant to P.L.1985, c.14 (C.39:4-139.2 et seq.). If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Receipts in excess of the amount anticipated for the Parking Offenses Adjudication Act program, derived pursuant to P.L.1985, c.14 (C.39:4-139.2 et seq.), are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Uninsured Motorists program account is payable from the Uninsured Motorist Prevention Fund. If receipts to the fund are less than anticipated, the appropriation shall be reduced proportionately.

The amount hereinabove for the Security Responsibility program classification shall be payable from receipts received from mutual associations and stock companies writing motor vehicle liability insurance within the State under section 2 of P.L.1952, c.176 (C.39:6-59), and any receipts in excess of the amount hereinabove are appropriated to defray additional costs of administration of the security responsibility law, subject to the approval of the Director of the Division of Budget and Accounting.

Sums required for the processing of credit card transaction fees are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 6 of P.L.1983, c.65 (C.17:29A-35), 20% of the first \$110 million of receipts derived from surcharges levied on drivers in accordance with the New Jersey Automobile Insurance Reform Act of 1982 -- Merit Rating System Surcharge Program, P.L.1983, c.65 (C.17:29A-33 et al.), shall be retained in the General Fund.

Notwithstanding the provisions of section 6 of P.L.1983, c.65 (C.17:29A-35), 60% of any receipts in excess of \$110 million derived from surcharges levied on drivers in accordance with the New Jersey Automobile Insurance Reform Act of 1982 -- Merit Rating System Surcharge Program, P.L.1983, c.65 (C.17:29A-33 et al.), shall be retained in the General Fund.

Notwithstanding the provisions of section 6 of P.L.1983, c.65 (C.17:29A-35), 60% of any delinquent surcharge receipts derived from surcharges levied on drivers in accordance with the New Jersey Automobile Insurance Reform Act of 1982 -- Merit Rating System Surcharge Program, P.L.1983, c.65 (C.17:29A-33 et al.), shall be retained in the General Fund.

Fees collected for credit card transactions pursuant to the provisions of P.L.1994, c.64 are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Funds necessary to defray the cost of collection to implement the provisions of P.L.1994, c.64, are appropriated from fees in lieu of actual cost of collection receipts, subject to the approval of the Director of the Division of Budget and Accounting.

12 Law Enforcement

06-1200 Patrol Activities and Crime Control	\$101,573,000
07-1200 Police Services and Public Order ...	17,329,000
08-1200 Emergency Services	3,632,000
09-1020 Criminal Justice	17,104,000
10-1030 Narcotics, Organized Crime and Racketeering	7,967,000
11-1050 State Medical Examiner	2,121,000
23-1200 State Capitol Complex Security	5,114,000
24-1200 Marine Police Operations	8,725,000
99-1200 Management and Administrative Services	<u>12,717,000</u>
Total Appropriation, Law Enforcement...	<u>\$176,282,000</u>
Personal Services:	
Salaries and Wages	(\$135,670,000)
Cash In Lieu of Maintenance	(15,538,000)
Materials and Supplies	(5,991,000)
Services Other Than Personal	(5,708,000)
Maintenance and Fixed Charges	(4,822,000)
Special Purpose:	
Drunk Driver Fund Program	(962,000)

Noncriminal Record Checks	(1,014,000)
State Police 4-Wheel Drive Vehicles	
Purchase	(210,000)
Nuclear Emergency Response Program ..	(1,988,000)
Expenses of State Grand Jury.....	(356,000)
Medicaid Fraud Investigation--State Match	(375,000)
Affirmative Action and Equal	
Employment Opportunity	(193,000)
Additions, Improvements and Equipment.....	(3,455,000)

Such additional amounts as may be required to carry out the provisions of the New Jersey Antitrust Act are appropriated from the General Fund; provided however, that any expenditures therefrom shall be subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1994, in the revolving fund established under the "New Jersey Antitrust Act," P.L.1970, c.73 (C.56:9-1 et seq.) is appropriated for the administration of the act and any expenditures therefrom shall be subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1994, in the Victim Witness Advocacy Fund account, together with receipts derived pursuant to P.L.1985, c.407, is appropriated.

There are appropriated such sums as are collected pursuant to section 19 of P.L.1981, c.279 (C.13:1E-67); section 3 of P.L.1988, c.61 (C.58:10A-49); section 9 of P.L.1970, c.39 (C.13:1E-9); section 2 of P.L.1987, c.158 (C.13:1E-9.2); sections 20 and 24 of P.L.1989, c.34 (C.13:1E-48.20 and 13:1E-48.24); and section 15 of P.L.1987, c.333 (C.13:1E-191) as are required to pay awards authorized by these laws and for public awareness programs, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, funds obtained through seizure, forfeiture, or abandonment pursuant to any federal or State statutory or common law and the proceeds of the sale of any such confiscated property or goods, except for such funds as are dedicated pursuant to P.L.1993, c.277 are appropriated for law enforcement purposes designated by the Attorney General.

The unexpended balance as of June 30, 1994, in the Action Grants-State Match account is appropriated for the same purpose.

The unexpended balance as of June 30, 1994, in the JJDP-State Match account is appropriated for the same purpose.

Receipts in excess of the amount anticipated from license fees and/or audits conducted to ensure compliance with the "Private Detective Act of 1939," P.L.1939, c.369 (C.45:19-8 et seq.), are appropriated to defray the cost of this activity.

Notwithstanding any other provision of this act, receipts derived from the sale of helicopters as well as the unexpended balance of such sums as of June 30, 1994, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 14 of P.L.1992, c.188 (C.33:1-4.1), that in addition to the amounts hereinabove, all fees and penalties collected by the Director of the Division of Alcoholic Beverage Control in excess of \$2,000,000 are appropriated for the purpose of offsetting additional operational costs of the Alcoholic Beverage Control Enforcement Bureau in the Division of State Police and the Division of Alcoholic Beverage Control, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1994, in the Drunk Driver Fund Program account, together with any receipts in excess of the amount anticipated, is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Drunk Driver Fund Program is payable out of the dedicated fund designated for this purpose and any amount remaining therein. If receipts to the fund are less than anticipated, the appropriation shall be reduced proportionately.

Receipts derived pursuant to the New Jersey Medical Service Helicopter Response Act under section 1 of P.L.1992, c.87 (C.39:3-8.2) are appropriated to the Division of State Police and the Department of Health to defray the operating costs of the program as authorized under P.L.1986, c.106 (C.26:2K-35 et seq.). The unexpended balance as of June 30, 1994, is appropriated to the special capital maintenance reserve account for capital replacement and major maintenance of helicopter equipment and any expenditures therefrom shall be subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 3 of P.L.1983, c.392 (C.13:1E-128), receipts derived from fees and penalties pursuant to the solid and hazardous waste industry disclosure law, P.L.1983, c.392 (C.13:1E-126 et seq.), are appropriated for the cost of the administration of that act, and such appropriation shall be allocated to the Department of Law and Public Safety and the Department of Environmental Protection and Energy, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Noncriminal Record Checks is payable out of the dedicated fund designated for this purpose. If receipts to the fund are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance as of June 30, 1994, in the Noncriminal Record Checks account, together with any receipts in excess of the amount anticipated, is appropriated to defray the costs of this activity and for the purchase and equipping of new or replacement State Police vehicles, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Nuclear Emergency Response Program account is payable from receipts received pursuant to the assessment of electrical utility companies under P.L.1981, c.302 (C.26:2D-37 et seq.). The unexpended balance as of June 30, 1994, in the Nuclear Emergency Response Program account is appropriated.

Such sums as may be necessary are appropriated from the Special Fund for Civil Defense Volunteers established pursuant to section 15 of P.L.1952, c.12 (C.App. A:9-57.15).

The unexpended balances as of June 30, 1994 of the Volunteer Emergency Service Organizations Loan Fund established pursuant to section 4 of P.L.1987, c.8 (C.52:27D-364), in excess of \$2,000,000 are appropriated.

The unexpended balance as of June 30, 1994, in the Boat Certification Program account, together with any receipts in excess of the amount anticipated, is appropriated.

The amount hereinabove for the Boat Certification Program is payable out of the dedicated fund designated for this purpose and any amount remaining therein. If receipts to the fund are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balances as of June 30, 1994 in each of the several accounts for the State Police Recruit Training - 114th Class, are appropriated for the same purposes, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts hereinabove to the Divisions of State Police and Criminal Justice and the Office of the State Medical Examiner, there are appropriated to the respective State departments and agencies such sums as may be received or receivable from any instrumentality, municipality, or public authority for direct and indirect costs of all services furnished thereto, including the full cost of the 115th State Police Recruit Training class to be paid for by the various authorities which contract for State Police services, except as to such costs for which funds have been included in appropriations otherwise made to the respective State departments and agencies as the Director of the Division of Budget and Accounting shall determine; provided, however, that payments from such instrumentalities, municipalities, or authorities for employer contributions to the State Police and Public Employees' Retirement Systems shall not be appropriated and shall be paid into the General Fund.

All registration fees, tuition fees, training fees, all receipts collected through division mess hall operations and all other fees received for reimbursement for attendance at courses conducted by Division of State Police and Division of Criminal Justice personnel are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

13 Special Law Enforcement Activities

17-1420 Election Law Enforcement	\$1,362,000
20-1450 Review and Enforcement of Ethical Standards	313,000
21-1400 Regulation of Alcoholic Beverages	1,600,000
22-1410 Regulation of Racing Activities	2,690,000
27-1480 State Athletic Control Board	<u>447,000</u>
Total Appropriation, Special Law Enforcement Activities	<u>\$6,412,000</u>
Personal Services:	
Salaries and Wages	(\$5,252,000)
Materials and Supplies	(202,000)
Services Other Than Personal	(650,000)
Maintenance and Fixed Charges	(163,000)
Special Purpose:	
Per Diem Payment to Members of the	
Election Law Enforcement Commission	(15,000)
Additions, Improvements and Equipment	(130,000)

Notwithstanding the provisions of section 14 of P.L.1992, c.188 (C.33:1-4.1), in addition to the amounts hereinabove, all fees and penalties collected by the Director of the Division of Alcoholic Beverage Control in excess of \$2,000,000 are appropriated for the purpose of offsetting additional operational costs of the Alcoholic Beverage Control Enforcement Bureau in the Division of State Police and the Division of Alcoholic Beverage Control, subject to the approval of the Director of the Division of Budget and Accounting.

Registration fees, tuition fees, training fees, and other fees received for reimbursement for attendance at courses administered or conducted by the Division of Alcoholic Beverage Control are appropriated for program costs.

In addition to the amount appropriated hereinabove for Regulation of Racing Activities, receipts in excess of the amount anticipated, attributable to changes in fee structure or fee increases, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

All fees, fines, and penalties collected pursuant to P.L.1973, c.83 (C.19:44A-1 et al.) and section 3 of P.L.1981, c.150 (C.52:13C-22.2) are appropriated for the purpose of offsetting additional operational costs of the Election Law Enforcement Commission, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provision hereinabove, amounts received pursuant to P.L.1971, c.183 (C.52:13C-18 et seq.) are appropriated for the purpose of offsetting additional operational costs of the Election Law Enforcement Commission, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated are appropriated for additional State Athletic Control Board activities, subject to the approval of the Director of the Division of Budget and Accounting.

19 Central Planning, Direction and Management

88-1000 Central Library Services	\$527,000
99-1000 Management and Administrative Services	<u>6,234,000</u>
Total Appropriation, Central Planning, Direction and Management	<u>\$6,761,000</u>
Personal Services:	
Salaries and Wages	(\$5,470,000)
Materials and Supplies.....	(423,000)
Services Other Than Personal.....	(467,000)
Maintenance and Fixed Charges	(110,000)

Special Purpose:

Affirmative Action and Equal	
Employment Opportunity	(198,000)
Additions, Improvements and Equipment	(93,000)

Notwithstanding the provisions of any law or regulation to the contrary, funds obtained through seizure, forfeiture, or abandonment pursuant to any federal or State statutory or common law and the proceeds of the sale of any such confiscated property or goods, except for such funds as are dedicated pursuant to P.L.1993, c.277 are appropriated for law enforcement purposes designated by the Attorney General.

The Attorney General shall provide the Director of the Division of Budget and Accounting, the Senate Budget and Appropriations Committee and the Assembly Appropriations Committee, or the successor committees thereto, with written reports on August 1, 1994, and February 1, 1995, of the use and disposition by State law enforcement agencies of any interest in property or money seized, or proceeds resulting from seized or forfeited property, and any interest or income earned thereon, arising from any State law enforcement agency involvement in a surveillance, investigation, arrest or prosecution involving offenses under N.J.S.2C:35-1 et seq. and N.J.S.2C:36-1 et seq. leading to such seizure or forfeiture. The reports shall specify for the preceding period of the fiscal year the type, approximate value, and disposition of the property seized and the amount of any proceeds received or expended, whether obtained directly or as a contributive share, including but not limited to the use thereof for asset maintenance, forfeiture prosecution costs, costs of extinguishing any perfected security interest in seized property and the contributive share of property and proceeds of other participating local law enforcement agencies.

Penalties, fines, and other fees collected pursuant to N.J.S.2C:35-20 and deposited in the State Forensic Laboratory Fund, together with the unexpended balance as of June 30, 1994, are appropriated to defray additional laboratory related administration and operational expenses of the "Comprehensive Drug Reform Act of 1987," P.L.1987, c.106 (C.2C:35-1 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

70 Government Direction, Management and Control

74 General Government Services

12-1010 Legal Services	<u>\$42,678,000</u>
Total All Operations	<u>\$42,678,000</u>

Less:

<i>Reimbursements From Other Sources.....</i>	<i>(\$24,771,000)</i>	
<i>Total Deductions</i>		<i>(\$24,771,000)</i>
<i>Total Appropriation, General Government Services</i>		<i>\$17,907,000</i>

Personal Services:

Salaries and Wages	(\$16,453,000)
Materials and Supplies.....	(153,000)
Services Other Than Personal	(922,000)
Maintenance and Fixed Charges.....	(329,000)
Additions, Improvements and Equipment....	(50,000)

Expense:

Reimbursements From Other Sources.....	(24,771,000)
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Less:

<i>Reimbursements From Other Sources.....</i>	<i>(24,771,000)</i>
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In addition to the amount hereinabove, there are appropriated such sums as may be received or receivable from any instrumentality or public authority for direct or indirect costs of legal services furnished thereto, subject to the approval of the Director of the Division of Budget and Accounting.

The Director of the Division of Budget and Accounting is empowered to credit or transfer to the General Fund from any other department, branch or non-State fund source, out of funds appropriated thereto, such funds as may be required to cover the costs of legal services attributable to that other department, branch or non-State fund source as the Director of the Division of Budget and Accounting shall determine. Receipts in any non-State fund are appropriated for the purpose of such transfer.

Notwithstanding the provisions of section 3 of P.L.1983, c.392 (C.13:1E-128), receipts derived from fees pursuant to the solid and hazardous waste industry disclosure law, P.L.1983, c.392 (C.13:1E-126 et seq.), are appropriated for the cost of the administration of that act, and such appropriation shall be allocated to the Department of Law and Public Safety and the Department of Environmental Protection, subject to the approval of the Director of the Division of Budget and Accounting.

*80 Special Government Services**82 Protection of Citizens' Rights*

14-1310 Consumer Affairs	\$4,497,000
15-1320 Board of Accountancy	818,000
15-1321 Board of Architects and Certified Landscape Architects	849,000
15-1322 Board of Dentistry	826,000
15-1323 Board of Mortuary Science.....	265,000
15-1324 Board of Professional Engineers and Land Surveyors	982,000
15-1325 Board of Medical Examiners	4,393,000

15-1326 Board of Nursing.....	2,134,000
15-1327 Board of Optometrists	229,000
15-1328 Board of Pharmacy	701,000
15-1329 Board of Veterinary Medical Examiners	173,000
15-1330 Board of Shorthand Reporting.....	62,000
15-1331 Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians .	204,000
15-1332 Board of Cosmetology and Hairstyling	1,346,000
15-1333 Board of Professional Planners.....	242,000
15-1334 Board of Examiners of Electrical Contractors	432,000
15-1335 Board of Psychological Examiners.	256,000
15-1336 Board of Examiners of Master Plumbers	323,000
15-1337 Board of Marriage Counselor Examiners	119,000
15-1338 Board of Chiropractic Examiners ...	305,000
15-1339 Board of Public Movers and Warehousemen	238,000
15-1340 Board of Physical Therapy	270,000
15-1341 Audiology and Speech-Language Pathology Advisory Committee.....	128,000
15-1342 State Real Estate Appraiser Board..	550,000
15-1343 State Board of Respiratory Care.....	270,000
15-1344 State Board of Social Work Examiners	539,000
15-1345 Orthotics and Prosthetics Board	50,000
15-1346 Occupational Therapy and Therapy Assistants	100,000
16-1350 Protection of Civil Rights.....	3,302,000
19-1440 Violent Crimes Compensation.....	<u>5,034,000</u>
Total Appropriation, Protection of Citizens' Rights	<u>\$29,637,000</u>
Personal Services:	
Salaries and Wages	(\$12,094,000)
Materials and Supplies	(558,000)
Services Other Than Personal.....	(10,341,000)
Maintenance and Fixed Charges.....	(827,000)
Special Purpose:	
Securities Enforcement Fund.....	(2,185,000)
Claims--Victims of Violent Crimes	(3,630,000)
Additions, Improvements and Equipment	(2,000)

Receipts derived from the assessment and recovery of costs, fines, and penalties pursuant to the consumer fraud act, P.L.1960, c.39 (C.56:8-1 et seq.), are appropriated for additional operational costs of the Division of Consumer Affairs, subject to the approval of the Director of the Division of Budget and Accounting.

All fees, penalties, and costs collected pursuant to P.L.1988, c.123 (C.56:12-29 et seq.) are appropriated for the purpose of offsetting costs associated with the handling and resolution of consumer automotive complaints.

In addition to the amount appropriated hereinabove for Consumer Affairs, receipts in excess of the amount anticipated, attrib-

utable to changes in fee structure or fee increases, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Fees and cost recoveries collected pursuant to P.L.1989, c.331 (C.34:8-43 et al.) are appropriated in an amount not to exceed additional expenses associated with mandated duties, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Securities Enforcement Fund account is payable from receipts from fees and penalties deposited in the Securities Enforcement Fund pursuant to section 15 of P.L.1985, c.405 (C.49:3-66.1). If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Receipts in excess of the amount anticipated are appropriated to the Securities Enforcement Fund program account to offset the cost of operating this program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated are appropriated to the Controlled Dangerous Substance Registration program for the purpose of offsetting the costs of the administration and operation of the program, subject to the approval of the Director of the Division of Budget and Accounting. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Receipts in excess of the amount anticipated derived pursuant to R.S.51:1-1 et seq. from the operations of the Division of Consumer Affairs Office of Weights and Measures program, are appropriated for the purposes of offsetting the operational costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated derived pursuant to P.L.1954, c.7 (C.5:8-1 et seq.) from the operations of the Division of Consumer Affairs Legalized Games of Chance program, are appropriated for the purposes of offsetting the operational costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated derived pursuant to P.L.1994, c.16 (C.45:17A-18 et seq.) from the operations of the Division of Consumer Affairs Charitable Registration and Investigative program, are appropriated for the purposes of offsetting

the operational costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for each of the several State professional boards, advisory boards, and committees shall be provided from receipts of those entities, and any receipts in excess of the amounts specifically provided to each of the entities are appropriated. The unexpended balances as of June 30, 1994 are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from the sale of films, pamphlets, and other educational materials developed or produced by the Division on Civil Rights are appropriated to defray production costs.

Receipts derived from the provision of copies of transcripts and other materials related to officially docketed cases are appropriated.

Notwithstanding the provisions of section 2 of P.L.1983, c.412 (C.10:5-14.1a), any receipts derived from the assessment of fines and penalties pursuant to P.L.1945, c.169 (C.10:5-1 et seq.), are appropriated to the Division on Civil Rights for additional operational costs, subject to the approval of the Director of the Division of Budget and Accounting.

The sum hereinabove for Claims--Victims of Violent Crimes is available for payment of awards applicable to claims filed in prior fiscal years.

Receipts derived from assessments under section 2 of P.L.1979, c.396 (C.2C:43-3.1) in excess of the amount anticipated and the unexpended balance as of June 30, 1994, are appropriated for payment of claims of victims of violent crimes pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and additional board operational costs, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances as of June 30, 1994, in the Office of Victim-Witness Assistance and in the Victim and Witness Advocacy Fund pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) are appropriated.

Receipts derived from licensing fees pursuant to section 9 of P.L.1990, c.32 (C.2C:58-5) and registration fees pursuant to section 11 of P.L.1990, c.32 (C.2C:58-12) and the unexpended balance as of June 30, 1994, are appropriated for payment of claims for victims of violent crimes pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and additional board op-

erational costs, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from assessments pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) and the unexpended balance as of June 30, 1994, in the Criminal Disposition and Revenue Collection Fund program account are appropriated for the purpose of offsetting the costs of the design, development, implementation and operation of the Criminal Disposition and Revenue Collection program, subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Law and Public Safety	<u>\$344,351,000</u>
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67 DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS

10 Public Safety and Criminal Justice

14 Military Services

30-3620 Physical Plant and Support Services	\$4,612,000
40-3620 New Jersey National Guard Programs	
Support Services	389,000
60-3600 Joint Training Center Management and Operations	570,000
99-3600 Management and Administration....	<u>3,890,000</u>
Total Appropriation, Military Services	<u>\$9,461,000</u>
Personal Services:	
Salaries and Wages	(\$5,817,000)
Materials and Supplies.....	(1,272,000)
Services Other Than Personal	(587,000)
Maintenance and Fixed Charges	(620,000)
Special Purpose:	
Joint Federal-State Operations and	
Maintenance Contracts (State Share)...	(742,000)
Affirmative Action and Equal	
Employment Opportunity	(5,000)
Additions, Improvements and Equipment.....	(418,000)

Receipts derived from the rental and use of armories and the unexpended balance of such receipts as of June 30, 1994 are appropriated for the operation and maintenance thereof, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1994 in the Joint Federal-State Operations and Maintenance Contracts (State share) account is appropriated for the same purpose.

The unexpended balance as of June 30, 1994 in the National Guard State Active Duty account is appropriated for the same purpose.

*80 Special Government Services**83 Services to Veterans**3610 Veterans' Program Support*

50-3610 Veterans' Outreach and Assistance	\$2,357,000
70-3660 Burial Services	<u>1,046,000</u>
Total Appropriation, Veterans' Program Support	<u>\$3,403,000</u>
Personal Services:	
Salaries and Wages	(\$2,493,000)
Materials and Supplies.....	(382,000)
Services Other Than Personal.....	(142,000)
Maintenance and Fixed Charges.....	(127,000)
Special Purpose:	
Agent Orange/Desert Storm Commission	(80,000)
Veterans' Outreach Center - Mercer County	(73,000)
Governor's Veterans' Service Council....	(10,000)
Transitional Housing.....	(50,000)
Additions, Improvements and Equipment.....	(46,000)

The unexpended balance as of June 30, 1994 in the Agent Orange Commission account is appropriated for the expenses of the commission.

Funds received for plot interment allowances received from the federal Department of Veterans' Affairs are appropriated for perpetual care and maintenance of burial plots and grounds at the Brigadier General Doyle Veterans' Memorial Cemetery.

Funds received for Veterans' Transitional Housing from the federal Department of Veterans' Affairs and the individual residents are appropriated for the same purpose.

The unexpended balance as of June 30, 1994 in the Transitional Housing account is appropriated for the same purpose.

The unexpended balance as of June 30, 1994 in the Guardianship Program for Veterans account is appropriated for the same purpose.

3630 Menlo Park Veterans Memorial Home

20-3630 Domiciliary and Treatment Services	\$10,084,000
30-3630 Physical Plant and Support Services	2,017,000
99-3630 Management and Administration....	<u>1,430,000</u>
Total Appropriation, Menlo Park Veterans' Memorial Home	<u>\$13,531,000</u>
Personal Services:	
Salaries and Wages	(\$10,839,000)
Materials and Supplies.....	(1,349,000)
Services Other Than Personal.....	(1,033,000)
Maintenance and Fixed Charges.....	(180,000)
Additions, Improvements and Equipment.....	(130,000)

3640 Paramus Veterans' Memorial Home

20-3640 Domiciliary and Treatment Services	\$10,264,000
30-3640 Physical Plant and Support Services	1,360,000
99-3640 Management and Administration....	<u>1,504,000</u>
Total Appropriation, Paramus Veterans' Memorial Home	<u>\$13,128,000</u>
Personal Services:	
Salaries and Wages	(\$10,688,000)
Materials and Supplies.....	(1,451,000)
Services Other Than Personal	(712,000)
Maintenance and Fixed Charges	(202,000)
Additions, Improvements and Equipment.....	(75,000)

3650 Vineland Veterans' Memorial Home

20-3650 Domiciliary and Treatment Services	\$10,399,000
30-3650 Physical Plant and Support Services	2,209,000
99-3650 Management and Administration....	<u>1,377,000</u>
Total Appropriation, Vineland Veterans' Memorial Home	<u>\$13,985,000</u>
Personal Services:	
Salaries and Wages	(\$11,271,000)
Materials and Supplies.....	(1,523,000)
Services Other Than Personal	(795,000)
Maintenance and Fixed Charges	(272,000)
Additions, Improvements and Equipment.....	(124,000)
Total Appropriation, Department of Military and Veterans' Affairs	<u>\$53,508,000</u>

Balances on hand as of June 30, 1994 of funds held for the benefit of residents in the several veterans' homes, and such funds as may be received, are appropriated for the use of such residents.

Revenues representing receipts to the General Fund from charges to residents' trust accounts for maintenance costs are appropriated for use as personal needs allowances for patients/residents who have no other source of funds for such purposes; provided however, that the allowance shall not exceed \$35 per month for any eligible resident of an institution and provided further, that the total amount herein for such allowances shall not exceed \$100,000, and that any increase in the maximum monthly allowance shall be approved by the Director of the Division of Budget and Accounting.

Funds received from the sale of articles made in occupational therapy departments of the several veterans' homes are appropriated for the purchase of additional material and other expenses incidental to such sale or manufacture.

Of the amount appropriated hereinabove for the Department of Military and Veterans' Affairs, such sums as the Director of the Division of Budget and Accounting shall determine from

the schedule at page L-39 in the Governor's Budget Recommendation Document dated March 15, 1994 first shall be charged to the State Lottery Fund.

Unexpended balances as of June 30, 1994 in the Equipment for Alzheimer's Facility Zone account for each veterans' home are appropriated for the same purpose.

68 DEPARTMENT OF PERSONNEL

70 Government Direction, Management and Control

74 General Government Services

01-2710 Personnel Policy Development and General Administration	\$2,252,000
02-2720 Recruitment and Selection.....	5,988,000
03-2730 Personnel Management Systems	6,481,000
04-2740 Merit Services	1,909,000
05-2750 Equal Employment Opportunity and Affirmative Action	1,130,000
06-2760 Local Government Classification and Placement	2,348,000
07-2770 Human Resource Development Institute	<u>8,613,000</u>
Total Appropriation, General Government Services	<u>\$28,721,000</u>

Personal Services:

Merit System Board	(\$52,000)
Salaries and Wages	(22,331,000)
Materials and Supplies	(753,000)
Services Other Than Personal.....	(3,862,000)
Maintenance and Fixed Charges.....	(279,000)

Special Purpose:

Microfilm Service Charges	(29,000)
Test Validation/Police Testing.....	(434,000)
Affirmative Action and Equal	
Employment Opportunity	(84,000)
Suggestion Award Program	(100,000)
American with Disabilities Act.....	(60,000)
Additions, Improvements and Equipment	(737,000)

Receipts derived from fees charged to applicants for open competitive or promotional examinations are appropriated.

Receipts derived from training services are appropriated.

Receipts derived from employee advisory services are appropriated.

Total Appropriation, Department of Personnel \$28,721,000

74 DEPARTMENT OF STATE

30 Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services

05-2530 Support of the Arts	\$482,000
06-2535 Museum Services	1,807,000
07-2540 Development of Historical Resources	<u>527,000</u>
Total Appropriation, Cultural and Intellectual Development Services	<u>\$2,816,000</u>

Personal Services:

Salaries and Wages	(\$2,188,000)
Materials and Supplies.....	(143,000)
Services Other Than Personal.....	(205,000)
Maintenance and Fixed Charges	(61,000)

Special Purpose:

Council Member Expenses.....	(3,000)
Walter Edge Foran New Jersey Studies Institute	(150,000)
New Jersey Railroad and Transportation	
Museum Commission	(5,000)
Additions, Improvements and Equipment.....	(61,000)

The unexpended balance as of June 30, 1994, in the Walter Edge Foran New Jersey Studies Institute account is appropriated for the same purpose.

The unexpended balance as of June 30, 1994, in the New Jersey Railroad and Transportation Museum Commission account is appropriated for the same purpose.

Funds derived from the sale of collections and museum materials, which have been approved by the Secretary of State, are appropriated to and shall be used for the benefit of the State Museum.

*70 Government Direction, Management and Control**74 General Government Services**2505 Office of the Secretary of State*

01-2505 Office of the Secretary of State	\$5,250,000
08-2545 Records Management	1,150,000
09-2506 Commercial Recording.....	<u>353,000</u>
Total Appropriation, Office of the Secretary of State	<u>\$6,753,000</u>

Personal Services:

Salaries and Wages	(\$1,275,000)
Materials and Supplies.....	(86,000)
Services Other Than Personal.....	(417,000)
Maintenance and Fixed Charges	(56,000)

Special Purpose:

National Voter Registration Act - Implementation	(4,000,000)
Voter Registration	(275,000)
Voter Declaration.....	(4,000)
Affirmative Action and Equal	
Employment Opportunity	(34,000)
Martin Luther King Jr. Commemorative	
Commission.....	(215,000)
Business Ombudsman and Regulatory Affairs	(250,000)
Records Storage Center Staffing	(100,000)
Additions, Improvements and Equipment.....	(41,000)

Receipts derived from the examination of voting machines by the Secretary of State and the unexpended balance as of June 30,

1994, of those receipts are appropriated for the costs of making such examinations.

The unexpended balance as of June 30, 1994, in the Martin Luther King, Jr. Commemorative Commission is appropriated for the same purpose.

Receipts from the over-the-counter service surcharges and the unexpended balance of such surcharges as of June 30, 1994, are appropriated to meet the costs of the Division of Commercial Recording.

The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Microfilm Section from any appropriation made to any department for microfilming costs which had been appropriated or allocated to such department for its share of the costs of the Microfilm Section.

Receipts derived from fees charged for microfilming services provided to local governments are appropriated for the same purpose.

The unexpended balance in the Secretary of State fund as of June 30, 1994, and, notwithstanding the provisions of P.L.1987, c.435, receipts in excess of the amount anticipated from fees are appropriated to meet the costs of information processing and the Office of the Secretary of State.

2515 Office of Administrative Law

03-2515 Adjudication of Administrative Appeals	<u>\$9,598,000</u>
Total All Operations	<u>\$9,598,000</u>

Less:

<i>Reimbursements From Other Sources.....</i>	<i>(\$6,000,000)</i>	
<i>Total Deductions</i>		<u><i>(\$6,000,000)</i></u>
Total Appropriation, Office of Administrative Law		<u>\$3,598,000</u>

Personal Services:

Salaries and Wages	(\$6,549,000)
Materials and Supplies	(1,587,000)
Services Other Than Personal.....	(804,000)
Maintenance and Fixed Charges.....	(427,000)

Special Purpose:

Affirmative Action and Equal	
Employment Opportunity	(6,000)
Additions, Improvements and Equipment	(225,000)

Less:

<i>Reimbursements From Other Sources Expense</i>	<i>(6,000,000)</i>
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Notwithstanding any law to the contrary, the salary of the Director of the Office of Administrative Law shall be established by the Commissioner of Personnel in the "State Compensation Plan."

Receipts derived from the sale of publications by the Office of Administrative Law and the unexpended balance as of June 30, 1994, of such receipts are appropriated.

In addition to the amount hereinabove, such sums as may be received or receivable from any department or non-State fund source for administrative hearing costs by the Office of Administrative Law and the unexpended balance as of June 30, 1994, of such sums are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Office of Administrative Law any appropriation made to any department for administrative hearing costs which had been appropriated or allocated to such department for its share of such costs.

80 Special Government Services

82 Protection of Citizens' Rights

17-2581 Mental Health Screening Services..	\$1,860,000
19-2583 Dispute Settlement.....	168,000
20-2584 Trial Services to Indigents and Special Programs	40,724,000
21-2585 Appellate Services to Indigents	5,578,000
22-2586 Public Defender Management and Administrative Services	1,831,000
24-2588 Advocacy for the Developmentally Disabled	<u>117,000</u>
Total Appropriation, Protection of Citizens' Rights	<u>\$50,278,000</u>
Personal Services:	
Salaries and Wages	(\$37,208,000)
Materials and Supplies.....	(652,000)
Services Other Than Personal.....	(11,580,000)
Maintenance and Fixed Charges.....	(269,000)
Affirmative Action and Equal	
Employment Opportunity.....	(64,000)
Additions, Improvements and Equipment.....	(505,000)

Receipts from clients and the unexpended balance as of June 30, 1994 of such receipts are appropriated.

Sums provided for legal and investigative services are available for payment of obligations applicable to prior fiscal years.

The funds appropriated to the Office of the Public Defender are available for expenses associated with the defense of pool attorneys hired by the Public Defender for the representation of indigent clients.

In addition to the amount hereinabove for the operation of the Public Defender's office there are appropriated additional sums as may be required for Trial and Appellate services to indigents,

the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any provision of section 2 of P.L.1974, c.33 (C.2A:158A-5.1), or any other provision of law, or any other provision of this appropriations act, no State funds are appropriated to fund the expenses associated with the legal representation of persons before the State Parole Board or the Parole Bureau.

Lawsuit settlements and legal costs awarded by any court to the Office of the Public Defender are appropriated for the expenses associated with the representation of indigent clients.

In addition to the amount hereinabove appropriated for Trial Services to Indigents and Special Programs, \$871,000 is appropriated for Trial Services to Indigents.

Total Appropriation, Department of State	<u>\$63,445,000</u>
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78 DEPARTMENT OF TRANSPORTATION

60 Transportation Programs

61 State Highway Facilities

06-6100 Maintenance and Operations	\$65,088,000
08-6120 Physical Plant and Support Services	8,670,000
71-6200 Transportation Systems Improvements	<u>3,659,000</u>
Total Appropriation, State Highway Facilities	<u>\$77,417,000</u>
Personal Services:	
Salaries and Wages	(\$44,479,000)
Materials and Supplies	(11,635,000)
Services Other Than Personal	(4,620,000)
Maintenance and Fixed Charges	(16,282,000)
Special Purpose:	
Microfilm Service Charges	(69,000)
Disposal of Dead Deer	(250,000)
Additions, Improvements and Equipment	(82,000)

The unexpended balances as of June 30, 1994 in excess of \$1,000,000 in the accounts hereinabove are appropriated.

The department shall be permitted to transfer an amount approved by the Director of the Division of Budget and Accounting from funds previously appropriated for State highway projects from the "Transportation Rehabilitation and Improvement Fund of 1979," established pursuant to section 15 of P.L.1979, c.165, for planning, engineering, design, right-of-way acquisition, or other costs related to the construction of projects financed from that fund.

Receipts in excess of \$240,000 derived from outdoor advertising application and permit fees are appropriated for the purpose of administering the Outdoor Advertising Permit and Regulation program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of \$600,000 derived from highway application and permit fees pursuant to subsection (h) of section 5 of P.L.1966, c.301 (C.27:1A-5) are appropriated for the purpose of administering the Access Permit Review program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from fees for the Logo Sign program are appropriated for the purpose of administering the program subject to the approval of the Director of the Division of Budget and Accounting.

64 Regulation and General Management

05-6070 Access and Use Management	\$2,212,000
99-6000 Management and Administrative Services	<u>12,696,000</u>
Total Appropriation, Regulation and General Management	<u>\$14,908,000</u>
Personal Services:	
Salaries and Wages	(\$11,905,000)
Materials and Supplies.....	(298,000)
Services Other Than Personal.....	(1,849,000)
Maintenance and Fixed Charges	(78,000)
Special Purpose:	
Airport Safety Fund	(300,000)
Affirmative Action and Equal	
Employment Opportunity Program.....	(478,000)

The unexpended balance as of June 30, 1994 in the Airport Safety Fund account together with any receipts in excess of the amount anticipated are appropriated.

The amount hereinabove for the Airport Safety Fund is payable out of the "Airport Safety Fund" established pursuant to section 4 of P.L.1983, c.264 (C6:1-92). If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance as of June 30, 1994, and the reimbursements in the department's Stock Purchase Revolving Fund for the purchase of materials and supplies required for the operation of the department are appropriated.

Receipts in excess of \$145,000 derived from motorbus petition and inspection fees are appropriated for the purpose of administering the Motorbus Regulation program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from fees on placarded rail freight cars transporting hazardous materials in this State are appropriated to defray the expenses of the Placarded Rail Freight Car Transporting Hazardous Materials program, subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Transportation	<u>\$92,325,000</u>
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82 DEPARTMENT OF THE TREASURY

70 Government Direction, Management and Control

72 Governmental Review and Oversight

02-2010 Office of State Planning	\$1,429,000
03-2015 Employee Relations and Collective Negotiations	660,000
05-2030 Budget Management and Planning .	7,279,000
07-2040 Accounting and Financial Reporting	<u>10,107,000</u>
Total Appropriation, Governmental Review and Oversight	<u>\$19,475,000</u>
Personal Services:	
Salaries and Wages	(\$12,593,000)
Materials and Supplies	(462,000)
Services Other Than Personal	(6,104,000)
Maintenance and Fixed Charges	(101,000)
Special Purpose:	
General Fixed Asset Account Group, Independent Audit	(45,000)
Additions, Improvements and Equipment	(170,000)

Such sums as may be necessary for administrative expenses incurred in processing federal benefit payments are appropriated from such sums as may be received or receivable for this purpose.

In addition to the amounts hereinabove, there are appropriated such additional sums as may be necessary for an independent audit of the State's general fixed asset account group, and the single audit.

There are appropriated, out of receipts derived from the investments of State funds, such sums as may be necessary for bank service charges, custodial costs, mortgage servicing fees and advertising bank balances under section 1 of P.L.1956, c.174 (C.52:18-16.1).

Receipts of the Division of the Ratepayer Advocate are appropriated for the Division of the Ratepayer Advocate to defray the costs of this activity.

73 Financial Administration

15-2080 Tax Collection Services and Administration	\$76,763,000
16-2090 Administration of State Lottery	17,282,000
19-2120 Management of State Investments ..	<u>4,014,000</u>
Total Appropriation, Financial Administration	<u>\$98,059,000</u>

Personal Services:

Salaries and wages	(\$60,551,000)
Materials and Supplies.....	(3,360,000)
Services Other Than Personal.....	(31,962,000)
Maintenance and Fixed Charges.....	(1,960,000)
Additions, Improvements and Equipment.....	(226,000)

So much of the receipts derived from the sale of confiscated equipment, materials and supplies under the "Cigarette Tax Act," P.L.1948, c.65 (C.54:40A-1 et seq.), as may be necessary for confiscation, storage, disposal and other related expenses thereof, are appropriated.

Notwithstanding any other law to the contrary, there are appropriated out of the receipts in the Solid Waste Services Tax Fund and the Resource Recovery Investment Tax Fund such sums as may be necessary for the cost of administration and collection of taxes pursuant to P.L.1985, c.38 (C.13:1E-136 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

Upon certification of the Director of the Division of Taxation, the State Treasurer shall pay, upon warrants of the Director of the Division of Budget and Accounting, such claims for refund as may be necessary under the provisions of Title 54 of the Revised Statutes, as amended and supplemented.

There are appropriated out of the State Lottery Fund such sums as may be necessary for costs required to implement the "State Lottery Law," P.L.1970, c.13 (C.5:9-1 et seq.) and for payment for commissions, prizes and expenses of developing and implementing games pursuant to section 7 of P.L.1970, c.13 (C.5:9-7).

In addition to the amounts hereinabove, State Lottery Fund receipts in excess of anticipated contributions to education and State institutions, and reimbursements of administrative expenditures, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee.

Notwithstanding the provisions of any other law to the contrary, there are appropriated out of receipts derived from communications fees such sums as may be necessary for telecommunications costs required in the administration of the State Lottery.

To the extent that sums appropriated to pay for the Lottery Network Payment Agreement are insufficient, there are appropriated out of the State Lottery Fund such additional sums as may be required to pay debt service on the agreement, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated, out of receipts derived from service fees billed to authorities for the handling of investment transactions, such sums as may be necessary to administer the above investment activity.

Notwithstanding the provisions of any law to the contrary, the expenses of administration for the various retirement systems and employee benefit programs administered by the Division of Pensions and Benefits and the Division of Investments shall be charged to the pension and health benefits funds established by law to receive employer contributions or payments or to make benefit payments under the programs, as the case may be. In addition to the amounts hereinabove, there are appropriated \$2,886,000 for Client Services in the Division of Pensions and Benefits and such additional sums as may be required to pay bank service charges and these appropriations shall be charged to the pensions and health benefits funds established by law to receive employer contributions or payments or to make benefit payments under the programs, as the case may be. In addition, in accordance with P.L.1993, c.99, which provides additional retirement benefits for certain police and firefighters, an amount not to exceed \$500,000 is appropriated to fund administrative costs of the Division of Pensions and Benefits as determined by the Director of the Division of Budget and Accounting, and this appropriation shall be charged to the Police and Firemen's Retirement System Fund. This appropriation shall cover administrative expenses for Fiscal Year 1995. Receipts from such charges, payable on a schedule to be determined by the Director of the Division of Budget and Accounting, shall be deposited in the General Fund and anticipated as revenue thereto. The administrative expenses charged to each pension or health benefit fund shall be included as a liability of the retirement system or employee benefit program maintaining such fund by law, for the purpose of determining future employer contributions or payments to the fund, or the amount of benefits to be paid under the program, as appropriate.

There are appropriated, out of receipts derived from the investments of State funds, such sums as may be necessary for bank service charges, custodial costs, mortgage servicing fees and advertising bank balances under section 1 of P.L.1956, c.174 (C.52:18-16.1).

There are appropriated, out of revenues derived from escheated property under the various escheat acts, such sums as may be necessary to administer such acts and such sums as may be required for refunds.

There are appropriated from the investment earnings of general obligation bond proceeds, such sums as may be necessary for the payment of debt service administrative costs.

Such sums as are required for the acquisition of equipment essential to the modernization of processing tax returns, are appropriated from tax collections, subject to the approval of the Joint Budget Oversight Committee and the Director of the Division of Budget and Accounting.

74 General Government Services

09-2050 Purchasing and Inventory Management	\$5,064,000
10-2055 Physical Plant Operation and Maintenance	10,456,000
21-2140 Pensions and Benefits	21,232,000
26-2067 Property Management Services	1,703,000
37-2051 Risk Management	<u>2,059,000</u>
Total Appropriation, General Government Services	<u>\$40,514,000</u>
Personal Services:	
Salaries and wages	(\$25,950,000)
Materials and Supplies	(1,252,000)
Services Other Than Personal	(10,408,000)
Maintenance and Fixed Charges	(1,882,000)
Special Purpose:	
Maintenance--Old Barracks, Trenton (State share)	(375,000)
State Pension System Audit	(128,000)
Additions, Improvements and Equipment	(519,000)

The unexpended balance in the State Purchase Fund as of June 30, 1994, and the reimbursements thereto, are appropriated for the purpose of making payments for purchases under R.S.52:25-1 et seq., and for the expenses of handling, storing and transporting purchases so made and for administration of the Distribution Center.

There are appropriated out of the revenues received from the sale of surplus property sufficient sums for the administrative costs of the Distribution Center-Surplus Property Unit.

There are appropriated, out of receipts derived from service fees billed to political subdivisions for the operating costs of the cooperative purchasing program, such sums as may be necessary to administer and operate the above purchasing activity.

The unexpended balances in the Gubernatorial transition - Governor and Gubernatorial transition - Governor-Elect accounts as of June 30, 1994 are appropriated for the same purpose, provided however, that notwithstanding the provisions of section 4 of P.L.1969, c.213 (C.52:15A-4), the appropriation for the former Governor and the services and facilities authorized shall continue to be available to the former Governor for a period not to exceed one year from the date of the expiration of his term of office.

The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Print Shop revolving fund any appropriation made to any department for printing costs appropriated or allocated to such departments for their share of costs of the Print Shop and the Office of Printing Control.

The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Capitol Post Office revolving fund from any appropriation made to any department for postage costs appropriated or allocated to such departments for their share of costs of the Capitol Post Office.

The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Construction Management Services program classification, from appropriations for construction and improvements, a sufficient sum to pay for the cost of architectural work, superintendence and other expert services in connection with such work.

Notwithstanding any law to the contrary, there are appropriated out of receipts derived from the pre-qualification service fees billed to contractors, architects, engineers and professionals sufficient sums for expenses related to the administration of pre-qualification activities undertaken by the Division of Building and Construction.

In addition to the amounts hereinabove, there are appropriated such additional sums as may be necessary for independent audits of the State's pension systems, provided that such appropriations shall be reimbursed to the General Fund from the resources available to the various pension funds.

The unexpended balances in the State Central Motor Pool accounts as of June 30, 1994, in excess of \$1,000,000 are appropriated.

Notwithstanding the provisions of any law to the contrary, the expenses of administration for the various retirement systems and employee benefit programs administered by the Division of Pensions and Benefits and the Division of Investments shall be charged to the pension and health benefits funds established by law to receive employer contributions or payments or to make benefit payments under the programs, as the case may be. In addition to the amounts hereinabove, there are appropriated \$2,886,000 for Client Services in the Division of Pensions and Benefits and such additional sums as may be required to pay bank service charges and these appropriations shall be charged to the pensions and health benefits funds established by law to receive employer contributions or payments or to make benefit payments under the programs, as the case may be. In addition, in accordance with P.L.1993, c.99, which provides additional retirement benefits for certain police and firefighters, an amount not to exceed \$500,000 is appropriated to fund administrative costs of the Division of Pensions and Benefits as determined by the Director of the Division of Budget and Accounting, and this appropriation shall be charged to the Police and Firemen's Retirement System Fund. This appropriation shall cover administrative expenses for Fiscal Year 1995. Receipts from such charges, payable on a schedule to be determined by the Director of the Division of Budget and Accounting, shall be deposited in the General Fund and anticipated as revenue thereto. The administrative expenses charged to each pension or health benefit fund shall be included as a liability of the retirement system or employee benefit program maintaining such fund by law, for the purpose of determining future employer contributions or payments to the fund, or the amount of benefits to be paid under the program, as appropriate.

The unexpended balance as of June 30, 1994 in the Pensions and Health Benefits Commission account is appropriated for the same purpose.

Receipts derived from the leasing of State surplus real property are appropriated for the maintenance of leased property subject to the approval of the Director of the Division of Budget and Accounting, provided that a sum not to exceed \$100,000 shall be available for the administrative expenses of the program.

Receipts from employee maintenance charges in excess of \$1,400,000 are appropriated for maintenance of employee housing and associated relocation costs; provided however, that a sum not to exceed \$170,000 shall be available for management of the program, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated, out of receipts derived from service fees billed to authorities for the handling of insurance procurement and risk management services, such sums as may be necessary to administer the above insurance and risk management activities.

Notwithstanding the provisions of any other law to the contrary, there are appropriated, out of receipts derived from third party subrogation, such sums as may be necessary for the administrative expenses of this program.

The Director of the Division of Budget and Accounting is empowered to transfer or credit to any central data processing center from any appropriation made to any department which had been appropriated or allocated to such department for its share of costs of such data processing center including the replacement of data processing equipment and the purchase of additional data processing equipment.

Notwithstanding the provisions of any law to the contrary, there are appropriated from the Capital City Redevelopment Loan and Grant Fund such sums as may be required to provide for the administrative expenses of the Capital City Redevelopment Corporation, and programs and strategies which will enhance the vitality of the district as a place to live, visit, work and conduct business, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances in the State cafeteria accounts as of June 30, 1994, and receipts obtained from cafeteria operations, are appropriated for the improvement and extension of cafeteria services and facilities pursuant to section 2 of P.L.1951, c.312 (C.52:18A-19.6).

A sum not to exceed \$141,000 from proceeds derived from commissions paid to the Travel Services Section is appropriated for administrative expenses of the program.

There are appropriated out of revenues derived from the rental and operation of the War Memorial, such sums as may be necessary to operate and maintain this facility.

Notwithstanding the provision of any other law to the contrary, there are appropriated from receipts derived from vendor registration fees sufficient sums for services and expenses related to the development, letting and administration of commodity or service contracts.

There are appropriated out of receipts derived from lease proceeds billed to the occupants of the James J. Howard Marine Science Laboratory, such sums as may be required to operate and maintain the facility and for the payment of interest and/or principal due from the issuance of bonds for this facility.

76 Management and Administration

98-2006 Public Contracts Affirmative Action Office	\$898,000
99-2000 Management and Administrative Services	<u>9,632,000</u>
Total Appropriation, Management and Administration	<u>\$10,530,000</u>
Personal Services:	
Salaries and wages	(\$4,397,000)
Materials and Supplies.....	(27,000)
Services Other Than Personal.....	(525,000)
Maintenance and Fixed Charges	(58,000)
Special Purpose:	
Federal Liaison Office--Washington, D.C	(23,000)
Productivity and Efficiency Program.....	(5,500,000)

Fees collected on behalf of the Public Contracts Affirmative Action Office program classification and the unexpended balance as of June 30, 1994 of such fees are appropriated for program costs, subject to allotment by the Director of the Division of Budget and Accounting.

There is appropriated from investment earnings of State funds a sum, not to exceed \$500,000, for public finance activities.

Such sums as may be necessary for payment of expenses incurred by issuing officials appointed under the several bond acts of the State are appropriated for the purposes and from the sources defined in those acts.

An amount equivalent to the amount due to be paid in Fiscal Year 1995 to the State by the Port Authority of New York and New Jersey pursuant to the regional economic development agreement dated January 1, 1990 among the States of New York and New Jersey and the Port Authority of New York and New Jersey is appropriated to the Economic Recovery Fund established pursuant to section 3 of P.L.1992, c.16 (C.34:1B-71.2), for the purposes of P.L.1992, c.16 (C.34:1B-71.0 et seq.).

The unexpended balance in excess of \$50,000 as of June 30, 1994 in the State Revenue Forecasting Advisory Commission account is appropriated for the same purpose.

Notwithstanding the provisions of any law to the contrary, there are appropriated from the "Drug Enforcement and Demand Reduction Fund" such sums as may be required to provide for the administrative expenses of the Governor's Council on Alcoholism and Drug Abuse and for programs and grants to other agencies, subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of the Treasury	<u>\$168,578,000</u>
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90 MISCELLANEOUS EXECUTIVE COMMISSIONS

40 Community Development and Environmental Management

43 Science and Technical Programs

9130 Interstate Sanitation Commission

03-9130 Interstate Sanitation Commission ...	<u>\$315,000</u>
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Total Appropriation, Interstate Sanitation Commission	<u>\$315,000</u>
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Special Purpose:

Expenses of the Commission	(\$315,000)
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9140 Delaware River Basin Commission

02-9140 Delaware River Basin Commission	<u>\$620,000</u>
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Total Appropriation, Delaware River Basin Commission	<u>\$620,000</u>
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Special Purpose:

Expenses of the Commission	(\$620,000)
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70 Government Direction, Management and Control

76 Management and Administration

9147 Governor's Performance Review Initiative

90-9147 Governor's Performance Review Initiative	<u>\$975,000</u>
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Total Appropriation, Governor's Performance Review Initiative	<u>\$975,000</u>
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Special Purpose:

Expenses of the Commission	(\$975,000)
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Total Appropriation, Miscellaneous Executive Commissions	<u>\$1,910,000</u>
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94 INTER-DEPARTMENTAL ACCOUNTS

70 Government Direction, Management and Control

74 General Government Services

9400 Property Rentals, Insurance and Other Services

01-9400 Property Rentals	\$185,548,000
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02-9400 Insurance and Other Services	44,266,000
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06-9400 Utilities and Other Services	<u>20,206,000</u>
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Total Appropriation, Property Rentals, Insurance and Other Services	<u>\$250,020,000</u>
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Materials and Supplies	(\$16,814,000)
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Services Other Than Personal	(3,392,000)
Maintenance and Fixed Charges	
Rent:	
Existing and Anticipated Leases	(141,943,000)
Mercer County Improvement Authority	(7,298,000)
Economic Development Authority	(12,920,000)
New Jersey Sports and Exposition Authority	(35,290,000)
New Jersey Building Authority	(15,684,000)
Other Debt Service Leases and Tax Payments	(12,770,000)
Master Lease Payments	(4,383,000)
Less:	
<i>Direct Charges and Charges to Non-</i>	
<i>State Fund Sources</i>	<i>(44,740,000)</i>
Insurance Premiums:	
Property Insurance	(1,440,000)
Casualty Insurance	(977,000)
Special Insurance Policies	(149,000)
Special Purpose:	
Tort Claims Liability Fund (C.59:12-1) ..	(6,000,000)
Workers' Compensation Self-Insurance Fund	(32,000,000)
Vehicle Claims Liability Fund	(3,000,000)
Self-Insurance Deductible Fund	(500,000)
Self-Insurance Fund-Foster Parents	(200,000)

The Director of the Division of Budget and Accounting is empowered to allocate to any State agency occupying space in any State-owned building, equitable charges for the rental of such space, to include but not be limited to the costs of operation and maintenance thereof, and the amounts so charged shall be credited to the General Fund; and, to the extent that such charges exceed the amounts appropriated for such purposes to any agency financed from any fund other than the General Fund, the required additional appropriation shall be made out of such other fund.

Receipts derived from direct charges and charges to non-State fund sources are appropriated for the rental of property, including the costs of operation and maintenance of such properties.

Notwithstanding any other provision of law, and except for leases negotiated by the Office of Property Management and subject to approval or disapproval by the State Leasing and Utilization Committee pursuant to P.L.1992, c.130 (C.52:18A-191.1 et seq.), and except as hereinafter provided, no lease for the rental of any office or building shall be executed without the prior written consent of the State Treasurer, the Director of the Division of Budget and Accounting, the President of the Senate and the Speaker of the General Assembly.

The amount hereinabove for the Newark Performing Arts Center account shall be used to pay the State's obligations pursuant to a lease with the New Jersey Economic Development Authority for the lease of real property and infrastructure improvements thereon purchased by the authority for the State in the city of Newark for the purpose of constructing buildings to comprise a Performing Arts Center. Notwithstanding any other provision of law, the State Treasurer may enter into a lease with the New Jersey Economic Development Authority to lease the real property and infrastructure improvements thereon purchased by the authority for the State in the city of Newark for the Performing Arts Center, subject to the prior written consent of the Director of the Division of Budget and Accounting, the President of the Senate and the Speaker of the General Assembly. Upon the final payment of the State's obligations pursuant to the lease for the real property and infrastructure improvements purchased by the authority, the title to the real property and improvements shall revert to the State. Any sublease for use of land and improvements acquired for the State by the New Jersey Economic Development Authority for the Performing Arts Center shall be subject to the prior written approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee, or its successor.

There are appropriated such additional sums as may be required to pay future debt service costs for projects undertaken by the New Jersey Building Authority, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1994 in the Master Lease Program Fund is appropriated for the same purpose.

The unexpended balance as of June 30, 1994 in the Tort Claims Liability Fund account created by N.J.S59:12-1 is appropriated for the same purpose.

There are appropriated such additional sums as may be required to pay tort claims under N.J.S59:12-1, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Tort Claims Liability Fund under N.J.S59:12-1 is available for the payment of direct costs of legal, investigative and medical services related to the investigation, mitigation and litigation of claims against the fund.

- To the extent that sums appropriated to pay Workers' Compensation claims under R.S.34:15-1 et seq., are insufficient, there are appropriated such additional sums as may be required to pay Workers' Compensation claims, subject to the approval of the Director of the Division of Budget and Accounting.
- The amount hereinabove for the Workers' Compensation Self-Insurance Fund under R.S.34:15-1 is available for the payment of direct costs of legal, investigative, and medical services related to the investigation, mitigation and litigation of claims against the fund.
- To the extent that sums appropriated to pay auto insurance claims are insufficient, there are appropriated such additional sums as may be required to pay auto insurance claims, subject to the approval of the Director of the Division of Budget and Accounting.
- The amount hereinabove for the Vehicle Claims Liability Fund is available for the payment of direct costs of legal, investigative and medical services related to the investigation, mitigation and litigation of claims against the fund.
- The unexpended balances as of June 30, 1994 in the Inter-Departmental accounts for automobile insurance are appropriated as a reserve for payment of vehicular claims settlements and judgments, payment of vendored claims, investigative costs, or for the reallocation to departments based on loss experience.
- The amount appropriated for the Self-Insurance Fund-Foster Parents is available for the payment of direct costs of legal, investigative and medical services related to the investigation, mitigation and litigation of claims against the fund.
- The unexpended balance as of June 30, 1994 in the Workers' Compensation Self-Insurance Fund is appropriated for the same purpose.
- The unexpended balance as of June 30, 1994 in the Self-Insurance Deductible Fund is appropriated for the same purpose.
- The unexpended balance as of June 30, 1994, not to exceed \$200,000, in the Self-Insurance Fund-Foster Parents is appropriated for the same purpose.
- The sums hereinabove are available for payment of obligations applicable to prior fiscal years.
- The unexpended balance as of June 30, 1994 in the Vehicle Claims Liability Fund is appropriated for the same purpose.

The funds appropriated to the Tort Claims Liability Fund are available for the indemnification of pool attorneys engaged by the Public Advocate for the defense of indigents.

The funds appropriated to the Tort Claims Liability Fund are available for the indemnification of designated pathologists engaged by the State Medical Examiner.

There are appropriated such additional sums as may be required to pay all insurance costs incurred by the county courts on and after January 1, 1995, at which time these responsibilities pass to the State pursuant to the "State Judicial Unification Act," P.L.1993, c.275 (C.2B:10-1 et seq.), subject to the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee.

There are appropriated such additional sums as may be required to pay pension payments for county employees transferred to the State on and after January 1, 1995, pursuant to the "State Judicial Unification Act," P.L.1993, c.275 (C.2B:10-1 et seq.), subject to the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee. Such sums as may be necessary will be offset by increased reimbursements from the counties to reflect such pension payments.

The New Jersey Sports and Exposition Authority shall transfer \$5,000,000 to the General Fund.

9410 Employee Benefits

03-9410 Employee Benefits		<u>\$1,542,590,000</u>
Total Appropriation, Employee Benefits .		<u>\$1,542,590,000</u>
Special Purpose:		
Heath Act	(\$20,000)	
Veterans' Act	(240,000)	
Judicial Retirement System.....	(11,577,000)	
Prison Officers' Pension Fund	(2,291,000)	
Public Employees' Retirement System ...	(6,687,000)	
Social Security Tax -State.....	(300,000,000)	
State Police Retirement System	(30,551,000)	
Dental Care Program, Shared Cost	(17,861,000)	
State Employees' Health Benefits.....	(461,897,000)	
Prescription Drug Program	(58,409,000)	
Pension Adjustment Act.....	(1,597,000)	
Social Security Tax - Local School Districts	(420,179,000)	
P.E.R.S.. Minimum Pension Benefit Act-		
Pre-1955 Retirees	(50,000)	
Teachers' Pension and Annuity Fund and Non-		
Contributory Group Life Insurance Benefits -		
Local School Districts	(54,927,000)	

T.P.A.F. Minimum Pension Benefit Act- Pre-1955 Local School Districts Retirees	(20,000)
Alternate Benefits Program - Employer Contributions	(56,041,000)
Teachers' Pension and Annuity Fund and Non-Contributory Group Life Insurance Benefits - State	(457,000)
Unemployment Insurance - Employer Liability	(10,053,000)
Temporary Disability Insurance	(8,865,000)
Police and Firemen's Retirement System (P.L.1979, c.109)	(17,891,000)
Police and Firemen's Retirement System, P.L.1944, c.255 (C.43:16A-1 et seq.) ..	(73,477,000)
Chapter 126 Health Benefits - Local School Districts	(8,100,000)
Vision Care	(1,400,000)

There is appropriated a sufficient amount in order that upon application to the Director of the Division of Budget and Accounting, an annuity of \$4,000 shall be paid to the widow of any person, now deceased, who was elected and served as Governor of the State; provided such widow was the wife of such person for all or part of the period during which he served as Governor; and provided further, that this shall not apply to any widow receiving a pension granted under R.S.43:8-2, and continued by R.S.43:7-1 et seq., R.S.43:8-1 et seq., and R.S.43:8-8 et seq.

Such additional sums as may be required for Unemployment Compensation liability are appropriated as the Director of Budget and Accounting shall determine.

Such additional sums as may be required for Social Security Tax, or State employees' health benefits may be allotted from the various departmental operating appropriations to this account, as the Director of the Division of Budget and Accounting shall determine.

Of the amounts hereinabove for the Pension Adjustment Act, such sums as are appropriated in advance for increased retirement benefits for local employee members of State-administered retirement systems shall be repaid to the General Treasury upon reimbursement from local public employers.

9420 State Contingency And Other Funds

04-9420 State Contingency Fund	<u>\$25,365,000</u>
Total Appropriation, State Contingency And Other Funds	<u>\$25,365,000</u>
Special Purpose:	
To the Governor, for allotment to the various departments or agencies,	

to meet any condition of emergency
or necessity; provided, however,
that a sum not in excess of \$5,000
shall be available for the expense
of officially receiving
dignitaries and for incidental
expenses, including lunches for
non-salaried board members and
others for whom official reception

shall be beneficial to the State	(\$2,000,000)
Contingencies-Food and Services	(1,500,000)
Interest on Short Term Notes	(20,400,000)

Less:

<i>Interest Earned</i>	(20,000,000)
Local Exam and Discrimination	
Adjudication Costs	(8,000,000)
Notes Issuance Expenses - Underwriter's Costs	(600,000)
Catastrophic Illness in Children Relief fund -	
Employer Contributions	(860,000)
Statewide 911 Emergency Telephone System	(12,005,000)

Unless otherwise indicated, the above amounts may be allotted by
the Director of the Division of Budget and Accounting to the
various departments and agencies.

The unexpended balance as of June 30, 1994 in the Statewide 911
Emergency Telephone System account is appropriated for
the same purposes, or for such enhancements as determined
by the Director of the Division of Budget and Accounting.

From the unexpended balance in the Interest on Short Term Notes
account as of June 30, 1994, \$4,700,000 shall lapse to the
General Fund for general State purposes.

9430 Salary and Other Benefits

05-9430 Salary and Other Benefits.....	<u>\$170,525,000</u>
Total Appropriation, Salary and Other Benefits	<u>\$170,525,000</u>

Special Purpose:

Salary and Benefits Increases-Increments	(\$27,963,000)
Salary and Benefits Increases-	
Cost of Living Adjustments.....	(141,553,000)
Salary and Benefits Increases-Deferred Cost	
of Prior Contract (COLA and Increments)	(48,009,000)
Unused Accumulated Sick Leave Payments	(3,000,000)

Less:

<i>Savings From Attrition Program</i>	(50,000,000)
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The sums hereinabove appropriated to the various State depart-
ments, agencies, commissions, or institutions of higher edu-
cation for the cost of salaries, wages, or other benefits shall

be allotted as the Director of the Division of Budget and Accounting shall determine.

Any sums appropriated for salaries shall be made available for any person holding State office, position or employment, whose compensation is paid directly or indirectly, in whole or in part, from State funds, including any person holding office, position or employment in any educational institution for which appropriations are made to Rutgers, The State University; the University of Medicine and Dentistry of New Jersey, the State Colleges or to the State Treasurer for the New Jersey Institute of Technology; or holding office, position or employment under the Palisades Interstate Park Commission.

In addition to the amount hereinabove for Unused Accumulated Sick Leave Payments, there are appropriated such additional sums as may be necessary for payments of unused accumulated sick leave.

No salary range or rate of pay shall be increased or paid in any State department, agency, or commission without the approval of the Commissioner of Personnel and the Director of the Division of Budget and Accounting. Nothing herein shall be construed as applicable to unclassified personnel of the Legislative Branch, or the unclassified personnel of the Judicial Branch.

Notwithstanding the provisions of any other laws, including R.S.34:15-49 and section 1 of P.L.1981, c.353 (C.34:15-49.1), the State Treasurer, the Commissioner of Personnel, and the Director of the Division of Budget and Accounting shall establish directives governing salary ranges and rates of pay, including salary increases. The implementation of such directives shall be made effective at the first full pay period of Fiscal Year 1995 as determined by such directives, with timely notification of such directives to the Joint Budget Oversight Committee or its successor. Such directives shall not be considered an "administrative rule" or "rule" within the meaning of subsection (e) of section 2 of P.L.1968, c.410 (C.52:14B-2), but shall be considered exempt under paragraphs (1) and (2) of subsection (e) of section 2 of P.L.1968, c.410 (C.52:14B-2), and shall not be subject to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). Nothing herein shall be construed as applicable to the Presidents of the State Colleges, Rutgers, The State University, the University of Medicine and Dentistry of New Jersey and the New Jersey Institute of Technology.

In addition to the sums hereinabove for Salary and Other Benefits, the Director of the Division of Budget and Accounting shall transfer or credit to this classification a sum of up to \$50,000,000 from appropriations made to various spending agencies salary accounts to reflect savings from attrition. This additional sum is appropriated for the Salary and Other Benefits classification.

Total Appropriation, Inter-Departmental Accounts	<u>\$1,988,500,000</u>
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98 THE JUDICIARY

10 Public Safety and Criminal Justice

15 Judicial Services

01-9710 Supreme Court.....	\$3,571,000
02-9715 Superior Court--Appellate Division	11,412,000
03-9720 Civil Courts	25,891,000
04-9725 Criminal Courts	14,684,000
05-9730 Family Courts	11,394,000
06-9735 Municipal Courts	884,000
07-9740 Probation Services	8,760,000
08-9745 Court Reporting.....	8,819,000
09-9750 Legal and Professional Services	1,033,000
10-9755 Information Services	10,292,000
11-9760 Field Operations	2,361,000
12-9765 Management and Administration....	4,915,000
Total Appropriation, Judicial Services.....	<u>\$104,016,000</u>
Personal Services:	
Chief Justice	(\$120,000)
Associate Justices	(690,000)
Judges	(42,365,000)
Salaries and Wages.....	(40,513,000)
Materials and Supplies	(1,983,000)
Services Other Than Personal.....	(6,233,000)
Maintenance and Fixed Charges.....	(460,000)
Special Purpose:	
Rules Development.....	(155,000)
Alternative Dispute Resolution	(80,000)
General Equity	(737,000)
Speedy Trial Program, Case	
Processing Improvement	(50,000)
Child Support and Paternity Program	
(State Share).....	(1,124,000)
Child Placement Review Advisory Council	(75,000)
Intensive Supervision Program	(5,847,000)
Juvenile Intensive Supervision Program.	(2,067,000)
Affirmative Action and Equal	
Employment Opportunity.....	(183,000)
Additions, Improvements and Equipment	(1,334,000)

The unexpended balance as of June 30, 1994 in these respective accounts is appropriated.

Receipts from charges to Special Purpose and Grant accounts listed hereinabove are appropriated for services provided to these funds.

Receipts from charges to the Superior Court Trust Fund, Clients' Security Fund, Ethics Financial Committee, Board of Trial Attorney Certification, Bar Admission Financial Committee and the Automated Traffic System Fund are appropriated for services provided to these funds.

Notwithstanding the provisions of section 1 of P.L.1974, c.57 (C.2A:1A-6), the salaries of the Associate Justices of the Supreme Court shall be fixed and established at \$115,000 per year.

Total Appropriation, Judiciary	<u>\$104,016,000</u>
Total Appropriation, Direct State Services	<u>\$5,122,087,000</u>

GRANTS-IN-AID

10 DEPARTMENT OF AGRICULTURE

40 Community Development and Environmental Management

42 Natural Resource Management--Grants-In-Aid

03-3330 Resource Development Services.....	<u>\$6,222,000</u>
Total Appropriation, Natural Resource Management	<u>\$6,222,000</u>

Grants:

Farm Management and Training Initiative	(\$222,000)
Production Efficiency and Agricultural Business Development Incentive.....	(6,000,000)

An amount not to exceed 5% of the amount appropriated for the Production Efficiency and Agricultural Business Development Incentive grant program shall be available for administration of the program.

The expenditure of funds for Production Efficiency and Agricultural Business Development Incentive grants shall be based upon an expenditure plan subject to the approval of the Director of the Division of Budget and Accounting.

50 Economic Planning, Development and Security

51 Economic Planning and Development - Grants-In-Aid

06-3360 Marketing Services	<u>\$610,000</u>
Total Appropriation, Economic Planning and Development	<u>\$610,000</u>

Grants:

Promotion/Market Development	
Matched Funds Program.....	(\$300,000)
New Jersey Museum of Agriculture.....	(310,000)
Total Appropriation, Department of Agriculture	<u>\$6,832,000</u>

20 DEPARTMENT OF COMMERCE AND
ECONOMIC DEVELOPMENT

50 Economic Planning, Development and Security

51 Economic Planning and Development

*2890 New Jersey Commission on Science and Technology--
Grants-In-Aid*

24-2890 New Jersey Commission on Science and Technology.....	<u>\$17,402,000</u>
Total Appropriation, New Jersey Commission on Science and Technology.....	<u>\$17,402,000</u>

Grants:

Center for Advanced Food Technology ..	(\$1,371,000)
Center for Hazardous Substance Management Research	(2,652,000)
Tex Center for Fisheries Development and Aquaculture	(180,000)
Business Development.....	(600,000)
Center for Advanced Biotechnology and Medicine	(2,747,000)
Center for Biomolecular Agriculture	(855,000)
Center for Ceramics Research.....	(2,446,000)
TEX Center for Polymer Processing.....	(319,000)
Center for Photonics and Opto- Electronic Materials	(495,000)
Center for Surface Engineered Materials	(270,000)
Center for Computer Aids to Industrial Productivity.....	(1,039,000)
TEX Center for Information Services	(238,000)
Center for Manufacturing Engineering Sciences	(450,000)
Enhanced Technology Transfer Program (ETTP).....	(1,440,000)
Advanced Technology Centers - New Equipment - (COP)	(2,300,000)

The New Jersey Commission on Science and Technology is authorized to transfer up to 25% of the amounts appropriated hereinabove for Business Development and the Enhanced Technology Transfer Program (ETTP) to the New Jersey Commission on Science and Technology Direct State Services Program to provide funding for administration of competitive grant programs in these two areas, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances in excess of \$500,000 as of June 30, 1994 in the Science and Technology Grants accounts are appropriated.

Total Appropriation, Department of Commerce and Economic Development.....	<u>\$17,402,000</u>
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22 DEPARTMENT OF COMMUNITY AFFAIRS

40 Community Development and Environmental Management

41 Community Development Management--Grants-In-Aid

01-8010 Housing Code Enforcement.....	\$800,000
02-8020 Housing Services	6,520,000
18-8017 Uniform Fire Code.....	<u>8,725,000</u>
Total Appropriation, Community Development Management	<u>\$16,045,000</u>
Grants:	
Cooperative Housing Inspection	(\$800,000)
Shelter Assistance	(2,000,000)
Prevention of Homelessness P.L. 1984, c. 180 (C.52:27D-280 et seq.)	(4,460,000)
Neighborhood Housing Services of Trenton, Inc	(60,000)
Uniform Fire Code - Local Enforcement Agency Rebates	(8,425,000)
Uniform Fire Code - Continuing Education	(300,000)

The amount hereinabove for the Housing Code Enforcement program classification is payable out of the fees and penalties derived from bureau activities. If these receipts are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance as of June 30, 1994, in the Housing Code Enforcement program classification together with any receipts in excess of the amount anticipated are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The commissioner shall provide the Director of the Division of Budget and Accounting, the Senate Budget and Appropriations Committee and the Assembly Appropriations Committee, or the successor committees thereto, reports on January 1, 1995 and March 1, 1995 containing written statistical and financial information on the expenditure of funds from the Shelter assistance account, specifically including the number, location and costs of beds available for occupancy and occupancy rates.

The unexpended balance as of June 30, 1994 in the Prevention of Homelessness account is appropriated.

The unexpended balance as of June 30, 1994, in the Shelter Assistance account is appropriated.

There is appropriated to the Revolving Housing Development and Demonstration Grant Fund an amount not to exceed 50% of the penalties derived from bureau activities in the Housing Code

Enforcement program classification, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Uniform Fire Code program classification is payable out of the fees and penalties derived from inspection and enforcement activities. If these receipts are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance as of June 30, 1994, in the Uniform Fire Code program classification together with any receipts in excess of the amount anticipated are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Such amounts necessary for the payment of principal of and interest on outstanding notes of the Hackensack Meadowlands Development Commission are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 35 of P.L.1975, c.326 (C.13:17-10.1), sections 10 and 11 of P.L.1981, c.306 (C.13:1E-109 and 13:1E-110), section 8 of P.L.1985, c.368 (C.13:1E-176), or any rules and regulations adopted pursuant thereto, or any order issued by the Board of Regulatory Commissioners to the contrary, an amount equal to \$4,000,000 of the calendar year 1994 interest earnings on the aggregate balance in the closure and post-closure escrow accounts established by the Hackensack Meadowlands Development Commission for the closure and post-closure monitoring of the sanitary landfill facilities operated by the commission shall be withdrawn from the escrow accounts by the Hackensack Meadowlands Development Commission and paid to the State Treasurer for deposit in the General Fund for general State use.

Notwithstanding the provisions of section 35 of P.L.1975, c.326 (C.13:17-10.1), sections 10 and 11 of P.L.1981, c.306 (C.13:1E-109 and 13:1E-110), section 8 of P.L.1985, c.368 (C.13:1E-176), or any rules and regulations adopted pursuant thereto, or any order issued by the Board of Regulatory Commissioners to the contrary, if the aggregate balance in the closure and post-closure escrow accounts established by the Hackensack Meadowlands Development Commission for the closure and post-closure monitoring of the sanitary landfill facilities operated by the Hackensack Meadowlands Development Commission is in excess of the amount necessary, as calculated pursuant to the financial plan for the closure and

post-closure of the sanitary landfill facilities prepared by the Hackensack Meadowlands Development Commission and approved by the Department of Environmental Protection and Energy, for the proper closure and post-closure monitoring of the sanitary landfill facilities, an amount equal to the excess amount, or \$3,005,000, whichever is less, shall be withdrawn from the escrow accounts by the Hackensack Meadowlands Development Commission and paid to the State Treasurer for deposit in the General Fund and the amount so deposited shall be appropriated to the Hackensack Meadowlands Development Commission for operational costs.

50 Economic Planning, Development and Security

55 Social Services Programs--Grants-In-Aid

05-8050 Community Resources.....	\$5,175,000
07-8052 Sports and Recreation.....	220,000
08-8060 Programs for the Aging	740,000
15-8051 Women's Programs	<u>1,736,000</u>
Total Appropriation, Social Services Programs	<u>\$7,871,000</u>
Grants:	
Recreation For the Handicapped	(\$500,000)
Special Olympics	(375,000)
State Legal Services Office	(2,500,000)
Center for Hispanic Policy, Research and Development.....	(1,125,000)
Trenton Urban Gardening Program.....	(50,000)
Camden Urban Gardening Project.....	(50,000)
Main Street New Jersey	(25,000)
Grant To Mercy Center, Asbury Park	(50,000)
Grant To Paterson Interfaith Communities Organization.....	(100,000)
Grant to Carlslake Community Center, Bordentown.....	(100,000)
Grant to ASPIRA	(100,000)
Garden State Games.....	(150,000)
Adult Protective Services.....	(740,000)
New Program Initiatives for Women	(21,000)
Hispanic Women's Resource Centers	(400,000)
Women's Referral Central	(25,000)
Job Training Center for Urban Women Act.....	(315,000)
Grants to Women's Shelters.....	(25,000)
Grants to Displaced Homemaker Centers	(900,000)
Excel Program For Women.....	(50,000)
Grant to New Jersey Recreation and Park Association - Playground Safety and Access Inspection Program.....	(70,000)

Grant to Old Bridge - Convert Old Public Library to Human Services/ Senior Citizens Building	(200,000)	
Total Appropriation, Department of Community Affairs		<u>\$23,916,000</u>

26 DEPARTMENT OF CORRECTIONS

*10 Public Safety and Criminal Justice**16 Detention and Rehabilitation**7025 System-Wide Program Support--Grants-In-Aid*

13-7025 Institutional Program Support	<u>\$98,747,000</u>
Total Appropriation, System-Wide Program Support	<u>\$98,747,000</u>

Grants:

Purchase of Service For Inmates Incarcerated In County Penal Facilities	(\$85,136,000)
Purchase of Service For Inmates Incarcerated In Out-Of-State Facilities	(140,000)
Facilities Use Agreements	(6,000,000)
Purchase of Community Services	(7,471,000)

A portion of the total amount appropriated for Purchase of Service For Inmates Incarcerated In County Penal facilities is available for operational costs of additional State facilities for inmates housing which become ready for occupancy and other programs which reduce the number of State inmates in county facilities, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1994 in the Purchase of Service For Inmates Incarcerated In County Penal Facilities account is appropriated for the same purpose.

Total Appropriation, Department of Corrections	<u>\$98,747,000</u>
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34 DEPARTMENT OF EDUCATION

*30 Educational, Cultural and Intellectual Development**31 Direct Educational Services and Assistance--Grants-In-Aid*

04-5062 Adult and Continuing Education	<u>\$3,704,000</u>
Total Appropriation, Direct Educational Services and Assistance	<u>\$3,704,000</u>

Grants:

New Jersey Youth Corps.....	(\$3,704,000)
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34 Educational Support Services--Grants-In-Aid

30-5063 Educational Programs and Student Services	<u>\$7,500,000</u>
Total Appropriation, Educational Support Services	<u>\$7,500,000</u>

Grants:

Statewide Systemic Initiative to Reform Mathematics and Science Education ...	(\$1,000,000)
Good Starts	(6,000,000)

Educational Technology Initiative - Wiring Ten
Classrooms for Fiber Optics (500,000)

The unexpended balance as of June 30, 1994 in the GoodStarts
program account is appropriated.

The unexpended balance as of June 30, 1994 in the Statewide
Systemic Initiative to Reform Mathematics and Science Ed-
ucation program account is appropriated.

35 Education Administration and Management--Grants-In-Aid

99-5095 Management and Administrative Services \$83,000

Total Appropriation, Education Administration and Management \$83,000

Grants:

Governor's Teaching Scholarships (\$83,000)

37 Cultural and Intellectual Development Services--Grants-In-Aid

54-5010 Support of the Arts \$100,000

Total Appropriation, Cultural and Intellectual Development Services \$100,000

Grants:

Arts Program for Teenagers (\$100,000)

Total Appropriation, Department of Education \$11,387,000

Of the amount appropriated hereinabove for the Department of Edu-
cation, such sums as the Director of the Division of Budget and
Accounting shall determine from the schedule at page L-39 in
the Governor's Budget Recommendation Document dated
March 15, 1994 first shall be charged to the State Lottery Fund.

46 DEPARTMENT OF HEALTH

20 Physical and Mental Health

21 Health Services--Grants-In-Aid

02-4220 Family Health Services..... \$8,445,000

03-4230 Epidemiology, Environmental and Occupational Health Services 1,492,000

04-4240 Alcoholism, Drug Abuse and Addiction Services 15,910,000

12-4245 AIDS Services 11,384,000

Total Appropriation, Health Services..... \$37,231,000

Grants:

Family Planning Services..... (\$3,110,000)

Hemophilia Services (621,000)

Testing For Specific Hereditary Diseases (115,000)

Special Health Services for

Handicapped Children (2,000,000)

Chronic Renal Disease Services..... (368,000)

Pharmaceutical Services for Adults

With Cystic Fibrosis..... (280,000)

Birth Defects Registry..... (25,000)

Lead Poisoning Program (395,000)

Alzheimer's Disease Program (615,000)

Rape Prevention.....	(500,000)
Cleft Palate Programs	(350,000)
Newborn Screening Follow-Up and Treatment for Hemoglobins	(133,000)
SIDS Assistance Act	(150,000)
Services to Victims of Huntington's Disease	(250,000)
Tuberculosis Services	(197,000)
Treatment and Control of Drug Resistant Tuberculosis.....	(354,000)
AIDS Communicable Disease Control....	(609,000)
Worker and Community Right to Know .	(413,000)
Campus Grant Federal Match	(900,000)
Continuation of Substance Abuse Treatment Capacity	(2,601,000)
Community Drug Programs (State Share)	(7,062,000)
Vocational Adjustment Centers	(95,000)
Alcoholism Services	(1,033,000)
Compulsive Gambling	(600,000)
Parolee Rehabilitation Project.....	(370,000)
Medical Support Services for the Homeless	(75,000)
Inmate Residential Drug Treatment	(250,000)
Comprehensive Drug and Alcohol Treatment System.....	(1,850,000)
Chelsea House outpatient services	(100,000)
In-State Juvenile Residential Treatment Services	(1,810,000)
AIDS Grants	(12,000,000)
<i>Less:</i> <i>Elimination of Grants</i>	<i>(\$2,000,000)</i>

From the Family Planning Services account, \$10,000 is transferred to the Department of Human Services, Division of Medical Assistance and Health Services for family planning services.

There is appropriated from the Alcohol Education, Rehabilitation and Enforcement Fund \$570,000 to fund the Fetal Alcohol Syndrome program.

An amount not to exceed \$1,830,000 is appropriated to the Department of Health from monies deposited in the Health Care Subsidy Fund established pursuant to section 8 of P.L.1992, c.160 (C.26:2H-18.58) to fund the Infant Mortality Reduction Program.

The unexpended balance of appropriations, as of June 30, 1994, made to the Department of Health by section 20 of P.L.1989, c.51 for State licensed or approved drug abuse prevention and treatment programs is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

There is transferred from the "Drug Enforcement and Demand Reduction Fund" \$2,200,000 to supplement the Community drug programs (State share) account; of this amount \$1,170,000 is appropriated as the State match for the Campus Grant at the Meadowview Hospital in Hudson County.

An amount not to exceed \$600,000, collected by the Casino Control Commission and transferred to the General Fund pursuant to section 145 of P.L.1977, c.110 (C.5:12-145) and the unexpended balance as of June 30, 1994 in this account is appropriated to the Department of Health to provide funds for compulsive gambling grants.

The Commissioner of the Department of Health shall realize \$2,000,000 in savings from grants programs by reducing the appropriations.

There is appropriated from the Alcohol Education, Rehabilitation and Enforcement Fund \$420,000 to fund the Local Alcoholism Authorities-Expansion account.

The unexpended balance as of June 30, 1994 in the Pharmaceutical Services For Adults with Cystic Fibrosis account is appropriated.

22 Health Planning and Evaluation--Grants-In-Aid

06-4260 Health Facilities Evaluation \$504,000

Total Appropriation, Health Planning and Evaluation \$504,000

Grants:

Emergency Medical Services (\$79,000)

Poison Control Center (425,000)

There are appropriated from the New Jersey Emergency Medical Service Helicopter Response Program Fund established pursuant to section 2 of P.L.1992, c.87 (C.26:2K-36.1) such sums as are necessary to pay the reasonable and necessary expenses of the operation of the New Jersey Emergency Medical Service Helicopter Response Program created pursuant to P.L.1986, c.106 (C.26:2K-35 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances as of June 30, 1994 in the New Jersey Emergency Service Helicopter Response account are appropriated.

Total Appropriation, Department of Health \$37,735,000

50 DEPARTMENT OF HIGHER EDUCATION

30 Educational, Cultural and Intellectual Development

36 Higher Educational Services

5400 Higher Education Oversight--Grants-In-Aid

02-5400 Support to Independent Institutions \$23,575,000

03-5400 New Jersey Educational Opportunity Fund	29,412,000
04-5400 Student Financial Support Services	135,750,000
99-5400 Management and Administrative Services	<u>6,239,000</u>
Total Appropriation, Higher Education Oversight	<u>\$194,976,000</u>
Grants:	
Veterinary Medicine Education Program	(\$1,127,000)
Aid to Independent Colleges and Universities	(20,000,000)
Dental School Aid-Fairleigh Dickinson University	(1,600,000)
Einstein Chair For Scholarly Studies at the Institute for Advanced Study	(65,000)
Richard J. Hughes Chair for Constitutional and Public Law and Service at Seton Hall University	(65,000)
Alfred E. Driscoll Chair in Pharmaceutical/Chemical Studies, Fairleigh Dickinson University	(65,000)
Laurie Chair in Women's Studies at Douglass College	(75,000)
Will and Ariel Durant Chair in the Humanities at St. Peter's College	(65,000)
Small Business and Entrepreneurship Chair at Rutgers	(65,000)
Raoul Wallenberg Visiting Professorship in Human Rights-Rutgers University	(100,000)
Millicent Fenwick Research Professorship in Education at Monmouth College	(75,000)
Research Under Contract With The Institute of Medical Research, Camden	(850,000)
Opportunity Program Grants	(18,110,000)
Supplementary Education Program Grants	(10,500,000)
Martin Luther King Physician-Dentist Scholarship Act of 1986	(602,000)
Ferguson Law Scholarships	(200,000)
Schools of Professional Nursing	(316,000)
Tuition Aid Grants, P.L.1968, c.429 (C.18A:71-41 et seq.)	(125,480,000)
Garden State Scholarships	(3,062,000)
Public Tuition Benefits Grants	(65,000)
Edward J. Bloustein Distinguished Scholars Program	(4,000,000)
Urban Scholarships	(1,300,000)
Part-Time Tuition Aid Grants-EOF Students	(400,000)
Marine Sciences Consortium	(565,000)
Governor's School	(974,000)
College Bound	(3,000,000)
Higher Education for Special Needs Students	(750,000)
Program for the Education of Language Minority Students	(400,000)

Minority Academic Careers Program.....	(550,000)
Sussex County Community College	
Property Purchase.....	(500,000)
Drew University - Opera Music	
Theatre International	(50,000)

For the purpose of implementing the "Independent College and University Assistance Act," P.L.1979, c.132 (C.18A:72B-15 et seq.), the number of full-time equivalent students (FTE) at eight State Colleges is 45,786 for Fiscal Year 1994.

The sums provided hereinabove for Research under Contract with the Institute of Medical Research, Camden (Coriell Institute) account shall be expended on support for research activities, and that the institute shall submit an annual audited financial statement to the Department of Higher Education which shall include a schedule showing the use of these funds.

The sums provided hereinabove and the unexpended balances as of June 30, 1994 in the New Jersey Educational Opportunity Fund and Student Financial Support are appropriated and available for payment of liabilities applicable to prior fiscal years.

If the tuition increase for 1994-1995 at any public institution exceeds three and one-half percent, that institution shall provide all its Tuition Aid Grant (TAG) recipients with institutional grants equivalent to the tuition increase amount in excess of three and one-half percent.

An amount not to exceed \$2,750,000 is made available from the Tuition Aid Grant Program for the administrative expenses of the New Jersey Educational Opportunity Fund and Student Financial Support programs, other than Graduate Fellowships, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance in excess of \$12,000,000 in the Tuition Aid Grants account as of June 30, 1994 is lapsed.

Total Appropriation, Department of Higher Education	<u>\$194,976,000</u>
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Of the amount appropriated hereinabove for the Department of Higher Education, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page L-39 in the Governor's Budget Recommendation Document dated March 15, 1994 first shall be charged to the State Lottery Fund.

54 DEPARTMENT OF HUMAN SERVICES

20 Physical and Mental Health

23 Mental Health Services

7700 Division of Mental Health and Hospitals--Grants-In-Aid

08-7700 Community Services	<u>\$139,080,000</u>
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Total Appropriation, Division of Mental	
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Health and Hospitals	<u>\$139,080,000</u>
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Grants:

Community Care.....	(\$118,310,000)
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Community Mental Health Center--	
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University of Medicine and Dentistry--	
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Newark	(5,884,000)
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Community Mental Health Center--	
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University of Medicine and	
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Dentistry--Piscataway	(11,098,000)
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Cost of Living Adjustment--Deferred	
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Cost--Community Services	(2,140,000)
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Cost of Living Adjustment--	
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Community Services	(1,648,000)
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With the exception of disproportionate share hospital revenues that may be received, federal and other funds received for the operation of community mental health centers at the New Jersey Medical School and the Robert Wood Johnson Medical School shall be available to the University of Medicine and Dentistry of New Jersey for the operation of the centers.

The amount appropriated hereinabove for the Community Mental Health Centers and the amount appropriated to the Department of Higher Education for the University of Medicine and Dentistry of New Jersey is first charged to the federal disproportionate share hospital reimbursements anticipated as Medicaid Uncompensated Care.

24 Special Health Services

7540 Division of Medical Assistance and Health Services--

Grants-In-Aid

22-7540 General Medical Services.....	\$1,858,275,000
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24-7540 Pharmaceutical Assistance to the Aged	
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and Disabled	<u>52,000,000</u>
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Total Appropriation, Division of Medical Assistance	
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and Health Services	<u>\$1,910,275,000</u>
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Grants:

Garden State Health Plan	(\$34,381,000)
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Managed Care Initiative.....	(43,689,000)
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Hospital Health Care Subsidy	(71,550,000)
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Payments for Medical Assistance	
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Recipients - Nursing Homes.....	(505,436,000)
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Payments for Medical Assistance	
Recipients - Inpatient Hospital	(428,299,000)
Payments for Medical Assistance	
Recipients - Prescription Drugs	(152,822,000)
Payments for Medical Assistance	
Recipients - Outpatient Hospital.....	(123,083,000)
Payments for Medical Assistance	
Recipients - Physician	(47,748,000)
Payments for Medical Assistance	
Recipients- Home Health.....	(47,984,000)
Payments for Medical Assistance	
Recipients - Medicare B Payments	(52,855,000)
Payments for Medical Assistance	
Recipients - Dental	(31,537,000)
Payments for Medical Assistance Recipients -	
County Psychiatric Hospital	(7,394,000)
Payments for Medical Assistance	
Recipients - Medical Supplies	(22,472,000)
Payments for Medical Assistance	
Recipients - Clinic	(40,402,000)
Payments for Medical Assistance	
Recipients - Transportation	(23,025,000)
Payments for Medical Assistance	
Recipients - Other Services	(49,270,000)
Unit dose contract services.....	(6,461,000)
Consulting pharmacy services.....	(2,330,000)
Maternal & Child Health Expansion	(26,066,000)
Medicaid Expansion to Age 19	
and 100% of Poverty	(10,518,000)
Medicaid expansion--SOBRA.....	(130,953,000)
Pharmaceutical Assistance to the	
Aged--Claims	(52,000,000)

All funds recovered pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.) and P.L.1975, c.194 (C.30:4D-20 et seq.) during the fiscal year ending June 30, 1995 are appropriated for payments to providers in the same program class from which the recovery originated.

The amounts hereinabove appropriated for Payments for Medical Assistance Recipients are available for the payment of obligations applicable to prior fiscal years.

Reimbursements for services provided for recipients of other jurisdictions, as established by interstate agreements, which represent the State share of Medical Assistance are appropriated to the Division of Medical Assistance and Health Services for the purpose of making further payments of Medical Assistance.

The State appropriation is based on a federal financial participation rate of 48.94%; provided however, that if the federal financial participation rate exceeds this percentage, there will be placed in reserve a portion of the State appropriation equal to the amount of additional federal funds, subject to the approval of the Director of the Division of Budget and Accounting.

An amount not to exceed \$70,000 is appropriated from enhanced audit recoveries obtained by the Division of Medical Assistance and Health Services to fund the costs of enhanced audit recovery efforts of the division within the General Medical Services program classification subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1962, c.222 (C.44:7-76 et seq.), the Medical Assistance to the Aged program is eliminated; provided however, that necessary medical services shall be available to those enrolled in the program as of June 30, 1982, until such time that those persons no longer require medical care or are eligible for alternative programs.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred to and from the various items of appropriation within the General Medical Services program classification subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer. This provision shall apply to all payments made after June 30, 1990.

The Commissioner of the Department of Human Services shall identify savings from among the various items of appropriations within the General Medical Services program classification to pay increased provider fees for Medical transportation services other than livery services subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

For the purposes of account balance maintenance, all object accounts in the General Medical Services program classification shall be considered as one object. This will allow timely payment of claims to providers of medical services but ensure that no overspending will occur in the program classification. This provision shall apply to all payments made after June 30, 1990.

Rebates from pharmaceutical manufacturing companies during the fiscal year ending June 30, 1995, for prescription expenditures made to providers on behalf of Medicaid clients are appropriated for the program Payments for Medical Assistance - Prescription Drugs.

A revolving fund is continued within the Division of Medical Assistance and Health Services for the operation of the Garden State Health Plan and notwithstanding any provision herein all appropriations and receipts of federal and other non-State funds related to the operation of the plan shall be deposited into the fund and shall be allotted subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated for payments for Pharmaceutical Assistance to the Aged, P.L.1975, c.194 (C.30:4D-20 et seq.), are available for the payment of obligations applicable to prior fiscal years.

Benefits provided under the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program, P.L.1975, c.194 (C.30:4D-20 et seq.) shall be the last resource benefits, notwithstanding any provisions contained in contracts, wills, agreements or other instruments. Any provision in a contract of insurance, will, trust agreement or other instrument which reduces or excludes coverage or payment to an individual because of that individual's eligibility for or receipt of PAAD benefits shall be void, and no PAAD payments shall be made as a result of any such provision.

Notwithstanding the provisions of section 3 of P.L.1975, c.194 (C.30:4D-22) to the contrary, the copayment in the "Pharmaceutical Assistance to the Aged and Disabled" program shall be \$5.00. This copayment is effective on all prescriptions filled on or after July 1, 1992.

Notwithstanding the provisions of any law to the contrary, rebates from pharmaceutical manufacturing companies for prescriptions purchased by the Pharmaceutical Assistance to the Aged and Disabled program shall continue throughout Fiscal Year 1995. All revenues from such rebates during the fiscal year ending June 30, 1995, are appropriated for the Pharmaceutical Assistance to the Aged and Disabled programs.

Notwithstanding the provisions of any law to the contrary and subject to federal approval, long term care facility rates shall be determined based on a single Statewide salary region. Rates shall be adjusted retroactive to July 1, 1994 to reflect the change in rate setting methodology.

The amount appropriated hereinabove for the Division of Medical Assistance and Health Services first is to be charged to the federal disproportionate share hospital reimbursements anticipated as Medicaid uncompensated care.

Such sums are appropriated from the amount hereinabove for Payments for Medical Assistance Recipients - Nursing Homes as may be necessary to provide for long term care alternative services for Medicaid eligible individuals residing in Class C boarding homes or residential health care facilities when these individuals would have entered a nursing home, subject to both federal approval and approval of the Director of the Division of Budget and Accounting.

Pursuant to the federal Omnibus Budget Reconciliation Act of 1993 which stipulates that the Medicaid resource look back period is extended from 30 months to 36 months and an indefinite period of ineligibility, all provisions related to Medicaid eligibility determination mandated by the federal law shall be implemented.

In accordance with the repeal of provisions in P.L.1978, c.83, the Division of Medical Assistance and Health Services is empowered to competitively bid and contract for performance of federally mandated inpatient hospital utilization reviews, and that the funds necessary for the contracted utilization review of these hospital services be made available from the Payments for Medical Assistance Recipients - Inpatient Hospital account subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of subsection d. of section 6 of P.L.1968, c.143 (C.30:4D-6), the Medicaid program shall not provide reimbursement for any medical service, medical procedure or prescription drug whose use is to promote or enhance fertility.

From the unexpended balances as of June 30, 1994 in the General Medical Services account \$75,000,000 are lapsed.

Any facility which would lose reimbursement as a result of implementation of a single Statewide salary region shall have its loss limited to a maximum of \$27,500 for the loss from July 1, 1994 through December 31, 1994. This limitation is subject to federal approval and shall be implemented by adjusting the amount of reimbursement to which a facility is entitled.

The Medicaid Salary Region Advisory Panel shall submit its report concerning the single Statewide salary region methodology and any recommendations regarding the methodology to the Governor and the Joint Budget Oversight Committee by December 30, 1994, along with an analysis of the fiscal impact the recommendations may have on Medicaid expenditures for nursing facilities.

30 Educational, Cultural and Intellectual Development

32 Operation and Support of Educational Institutions

7601 Community Programs--Grants-In-Aid

01-7601 Purchased Residential Care	\$190,677,000
02-7601 Social Supervision and Consultation	21,212,000
03-7601 Adult Activities	67,467,000
04-7601 Education and Day Training	<u>11,433,000</u>
Total State, Federal and All Other Funds Appropriation	<u>\$290,789,000</u>

Less:

Casino Revenue Fund - Grants-in-Aid

Purchased Residential Care.....	(\$14,905,000)	
Social Supervision and Consultation	(1,657,000)	
Adult Activities.....	(7,374,000)	
Education and Day Training.....	(551,000)	
Total Casino Revenue Fund - Grants-in-Aid		(\$24,487,000)

Less:

Federal Funds

Purchased Residential Care.....	(\$69,553,000)	
Social Supervision and Consultation	(3,345,000)	
Adult Activities.....	(38,453,000)	
Total Federal Funds.....		(\$111,351,000)

Less:

All Other Funds

Purchased Residential Care.....	(\$4,142,000)	
Education and Day Training.....	(1,850,000)	
Total All Other Funds.....		(\$5,992,000)

Less:

Client Co-Payments	(\$2,000,000)	
Total Client Co-Payments		<u>(\$2,000,000)</u>
Total Appropriation, Community Programs		<u>\$146,959,000</u>

Grants:

Dental Program for Non-Institutionalized Mentally Retarded/Handicapped Children	(\$864,000)
Private Institutional Care	(52,694,000)
Skill Development Homes	(6,779,000)
Group Homes	(127,795,000)
Group Homes - Additional Funding.....	(1,000,000)
Family Care.....	(1,545,000)
Developmental Disabilities Council.....	(1,192,000)
Home Assistance.....	(16,616,000)
Social Services.....	(2,951,000)

Case Management.....	(453,000)
Purchase of Adult Activity Services	(67,467,000)
Purchase of Day Training Services	(4,543,000)
Community Options, Inc.....	(200,000)
Cost of Living Adjustment--Deferred	
Cost--Community Programs.....	(3,976,000)
Cost of Living Adjustment--	
Community Programs.....	(2,714,000)
<i>Less:</i>	
<i>Casino Revenue Fund - Grants-in-Aid....</i>	<i>(24,487,000)</i>
<i>Federal Funds.....</i>	<i>(111,351,000)</i>
<i>All Other Funds</i>	<i>(5,992,000)</i>
<i>Client Co-Payments</i>	<i>(2,000,000)</i>

The Division of Developmental Disabilities is authorized to transfer funds from the Dental Program for Non-Institutionalized Developmentally Disabled and Handicapped Children account to the Division of Medical Assistance, in proportion to the number of program participants who are Medicaid eligible.

Excess State funds realized by federal involvement through Medicaid in the Dental Program for Non-Institutionalized Developmentally Disabled and Handicapped Children are committed for the program's support during the subsequent fiscal year, rather than for expansion.

Group home maintenance recoveries during the fiscal year ending June 30, 1995, not to exceed \$3,500,000, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Skill development homes recoveries during the fiscal year ending June 30, 1995, not to exceed \$12,000,000, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Amounts required to return persons with mental retardation or developmental disabilities presently residing in out-of-State institutions to group homes within the State may be transferred from the Private Institutional Care account to the Group Homes account, subject to the approval of the Director of the Division of Budget and Accounting.

Amounts that become available as a result of the return of persons from private institutional care placements, including in-State and out-of-State placements, shall be available for transfer to community and community support programs, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts hereinabove for Group Homes - Additional Funding, the Commissioner of the Department of Human Services may transfer an amount to the Skill Development Homes account.

33 Supplemental Education and Training Programs

7560 Commission for the Blind and Visually Impaired--Grants-In-Aid

11-7560 Habilitation and Rehabilitation.....	\$2,122,000
12-7560 Instruction, Community Programs and Prevention	<u>2,284,000</u>
Total Appropriation, Commission for the Blind and Visually Impaired.....	<u>\$4,406,000</u>

Grants:

Services to Rehabilitation Clients	(\$2,009,000)
Cost of Living Adjustment-- Habilitation and Rehabilitation.....	(44,000)
Deferred Cost of Living Adjustment-- Habilitation and Rehabilitation.....	(69,000)
Psychological Counseling Services.....	(145,000)
Educational Services For Children.....	(2,092,000)
Recording for the Blind, Inc.....	(47,000)

50 Economic Planning, Development and Security

53 Economic Assistance and Security

*7540 Division of Medical Assistance and Health Services--
Grants-In-Aid*

28-7540 Lifeline Programs	<u>\$36,007,000</u>
Total Appropriation, Division of Medical Assistance and Health Services	<u>\$36,007,000</u>

Grants:

Payments for Tenants Assistance Rebates	(\$36,007,000)
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7550 Division of Family Development--Grants-In-Aid

15-7550 Income Maintenance Management .	<u>\$48,801,000</u>
Total Appropriation, Division of Family Development	<u>\$48,801,000</u>

Grants:

Community Law Health Project.....	(\$110,000)
Food Stamp Employment - Transportation	(105,000)
Social Services for the Homeless	(7,294,000)
Cost of Living Adjustment.....	(229,000)
Deferred Cost of Living	(340,000)
Job Opportunities and Basic Skills Training Program	(7,673,000)
Family Development Initiative.....	(32,750,000)
Mini Child Care Center Project Grants ...	(300,000)

The commissioner shall provide the Director of the Division of Budget and Accounting, the Senate Budget and Appropriations Committee and the Assembly Appropriations Committee, or the successor committees thereto, with quarterly reports, due within 60 days after the end of each quarter,

containing written statistical and financial information on the Job Opportunities and Basic Skills Training (JOBS) program and the Family Development Initiative (FDI). The reports shall, at a minimum, include the following: the number of cases participating in the programs and the number of cases which are exempt from the programs, the type of services provided to program participants and the cost of such services, the number of case managers employed by the programs, their associated costs and any other administrative costs incurred by the programs, the number of participants who have obtained employment, the average hourly wage and benefits provided by the employer and the length of time participants remain employed.

Notwithstanding any State law to the contrary, for those counties not participating in FDI, client participation in the JOBS program should be consistent with the federal JOBS program; specifically, in priority order, 1) federally mandated individuals who satisfy federal JOBS target population definitions and volunteers in target populations; 2) mandatory JOBS participants not meeting target group definitions; and 3) JOBS volunteers not in the target populations. Further, except for REACH participants enrolled in an education directed activity as of July 1, 1991, the JOBS program will only serve AFDC families in which the youngest child is at least three years of age.

Notwithstanding section 4 of P.L.1991, c.523 (C.44:10-22) the Family Development Initiative shall not be expanded beyond the existing eight counties for AFDC families or beyond the existing municipalities for General Assistance clients without the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts hereinabove for the Family Development Initiative and Jobs Opportunity and Basic Skills Training accounts, an amount not to exceed \$8,000,000 is appropriated from the New Jersey Workforce Development Partnership Fund, P.L.1992, c.44 (C.34:15D-12 et seq.).

55 Social Services Programs

7570 Division of Youth and Family Services--Grants-In-Aid

16-7570 Initial Response/Case Management	\$3,980,000
17-7570 Substitute Care	134,471,000
18-7570 General Social Services	144,680,000
99-7570 Management and Administrative Services	<u>1,134,000</u>
Total State and Federal Appropriation	<u>\$284,265,000</u>

Less:

<i>Casino Revenue Fund - Grants-in-Aid</i>		
<i>General Social Services</i>	<i>(\$3,537,000)</i>	
<i>Total Casino Revenue Fund - Grants-in-Aid</i>		<i>(\$3,537,000)</i>

Less:

<i>Federal Funds</i>		
<i>Initial Response/Case Management</i>	<i>(\$3,980,000)</i>	
<i>Substitute Care.....</i>	<i>(26,293,000)</i>	
<i>General Social Services</i>	<i>(34,946,000)</i>	
<i>Management and Administrative Services</i>	<i>(1,134,000)</i>	
<i>Total Federal Funds.....</i>		<i>(\$66,353,000)</i>
<i>Total Appropriation, Division of Youth and</i>		
<i>Family Services</i>		<i>\$214,375,000</i>

Grants:

<i>Initial Response/Case Management</i>	<i>(\$1,519,000)</i>
<i>Restricted Grants.....</i>	<i>(2,461,000)</i>
<i>Substitute Care.....</i>	<i>(1,271,000)</i>
<i>Other Residential Placements.....</i>	<i>(11,030,000)</i>
<i>Medically Fragile/Nursing Services Expansion</i>	<i>(605,000)</i>
<i>Residential/Group Home Placements</i>	<i>(50,938,000)</i>
<i>Foster Care</i>	<i>(31,001,000)</i>
<i>Subsidized Adoption</i>	<i>(24,796,000)</i>
<i>Special Home Services Providers.....</i>	<i>(7,042,000)</i>
<i>Cost of Living Adjustment--Substitute Care</i>	<i>(1,685,000)</i>
<i>Deferred Cost of Living Adjustment--</i>	
<i>Substitute Care</i>	<i>(2,557,000)</i>
<i>Domestic Violence Program</i>	<i>(3,546,000)</i>
<i>Child Assault Prevention Project</i>	<i>(1,029,000)</i>
<i>Purchase of Day Care Services</i>	<i>(34,564,000)</i>
<i>Purchase of Social Services</i>	<i>(34,040,000)</i>
<i>Public Awareness for Child Abuse</i>	
<i>Prevention Programs</i>	<i>(228,000)</i>
<i>Cost of Living Adjustment--</i>	
<i>General Social Services</i>	<i>(870,000)</i>
<i>Deferred Cost of Living Adjustment--</i>	
<i>General Social Services.....</i>	<i>(1,263,000)</i>
<i>Child Care Center Equipment and</i>	
<i>Renovation Fund</i>	<i>(115,000)</i>
<i>Family Support Services</i>	<i>(36,266,000)</i>
<i>Child Abuse Prevention</i>	<i>(9,456,000)</i>
<i>Regional Child Abuse Treatment Centers</i>	<i>(200,000)</i>
<i>State Legalization Impact Assistance Grant</i>	<i>(1,502,000)</i>
<i>Office of Refugee Resettlement -</i>	
<i>Social Services</i>	<i>(3,877,000)</i>
<i>County Human Services Advisory</i>	
<i>Boards--Formula Funding</i>	<i>(9,422,000)</i>
<i>Fisherman's Mark for Child Care and</i>	
<i>Support Services.....</i>	<i>(130,000)</i>
<i>Personal Attendant Program.....</i>	<i>(5,938,000)</i>
<i>Family Preservation Services(Title IV-B)</i>	<i>(2,700,000)</i>

Title IV-A Emergency Assistance to Families	(3,000,000)
Children's Justice Act.....	(388,000)
National Center for Child Abuse and Neglect	(536,000)
Child Abuse and Neglect State Grant -	
Disabled Infants	(210,000)
West Side Community Center, Asbury Park	(80,000)

Less:

<i>Casino Revenue Fund - Grants-in-Aid....</i>	<i>(3,537,000)</i>
<i>Federal Funds.....</i>	<i>(66,353,000)</i>

Any change by the Department of Human Services in the rates paid for the foster care and adoption subsidy programs shall first be approved by the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for Foster Care and Subsidized Adoption, the Division of Youth and Family Services may expend up to \$225,000 for recruitment of foster and adoptive families; provided however, that a plan for recruitment and training first shall be approved by the Director of the Division of Budget and Accounting.

The sums hereinabove for the Residential/Group Home Placements, Foster Care, Subsidized Adoption, and Family Support Services accounts are available for the payment of obligations applicable to prior fiscal years.

Receipts in the Marriage License Fee Fund in excess of the amount anticipated are appropriated.

Of the amount hereinabove appropriated for the Domestic Violence Program account, \$1,409,000 is payable out of the Marriage License Fee Fund. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

The Department of Human Services shall provide a list of the County Human Service Advisory Boards contracts to the Director of the Division of Budget and Accounting on or before September 30, 1994. The listing shall segregate out the administrative costs of such contracts.

Funds recovered under P.L.1951, c.138 (C.30:4C-1 et seq.) during the fiscal year ending June 30, 1995, are appropriated.

Notwithstanding the provision of any law to the contrary, amounts that become available as a result of the return of persons from in-State and out-of-State residential placements to community programs within the State are transferred from the Residential Group Home Placements account

to the appropriate Substitute Care or General Social Services account, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from counties for persons under the care and supervision of the Division of Youth and Family Services are appropriated for the purpose of providing State aid to the counties, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1987, c.370 (C.26:2-148 et seq.), \$455,000 is allocated from the Catastrophic Illness in Children Relief Fund to fund the Family Day Care Provider Registration Act.

Notwithstanding the provisions of any law to the contrary, amounts that become available as a result of the privatization of services at six of the eleven State-operated day care centers that are now directly provided by the Division of Youth and Family Services may be transferred to the Purchase of Day Care account, subject to the approval of the Director of the Division of Budget and Accounting.

7580 Division of the Deaf and Hard of Hearing--Grants-In-Aid

23-7580 Services for the Deaf	<u>\$53,000</u>
Total Appropriation, Division of the Deaf and Hard of Hearing	<u>\$53,000</u>

Grants:

Telecommunication Devices For The	
Indigent Deaf.....	(\$53,000)

56 Juvenile Services

7593 Juvenile Community Programs--Grants-In-Aid

34-7593 Juvenile Rehabilitation	<u>\$2,119,000</u>
Total Appropriation, Juvenile Community Programs	<u>\$2,119,000</u>

Grants:

Alternatives to Juvenile Incarceration Programs	(\$2,119,000)
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70 Government Direction, Management and Control

76 Management and Administration

7500 Division of Management and Budget--Grants-In-Aid

87-7500 Research, Policy and Planning.....	<u>\$8,114,000</u>
Total Appropriation, Division of Management and Budget	<u>\$8,114,000</u>

Grants:

School Based Youth Services Program...	(\$7,244,000)
Office of Prevention of Mental Retardation	
and Developmental Disabilities.....	(642,000)
Minority Male Initiative.....	(228,000)
Total Appropriation, Department of Human Services	<u>\$2,510,189,000</u>

62 DEPARTMENT OF LABOR

*50 Economic Planning, Development and Security**54 Manpower and Employment Services--Grants-In-Aid*

07-4535 Vocational Rehabilitation Services.	<u>\$14,756,000</u>
Total Appropriation, Manpower and Employment Services.....	<u>\$14,756,000</u>

Grants:

Services to Clients (State Share)	(\$3,458,000)
Supported Employment Services	(450,000)
Sheltered Workshop Support	(9,924,000)
Sheltered Workshop Employment Placement Incentive Program.....	(250,000)
Services for Deaf Individuals.....	(170,000)
Independent Living Centers	(500,000)
Training (State share).....	(4,000)

The sum hereinabove for the Vocational Rehabilitation Services program classification is available for the payment of obligations applicable to prior fiscal years.

Of the amount hereinabove for the Vocational Rehabilitation Services program classification, an amount not to exceed \$9,055,000 is appropriated from the Unemployment Compensation Auxiliary Fund.

Total Appropriation, Department of Labor	<u>\$14,756,000</u>
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10 DEPARTMENT OF LAW AND PUBLIC SAFETY

*10 Public Safety and Criminal Justice**12 Law Enforcement--Grants-In-Aid*

08-1200 Emergency Services	<u>\$265,000</u>
Total Appropriation, Law Enforcement-- Grants-In-Aid	<u>\$265,000</u>

Grants:

Nuclear Emergency Response Program ..	(\$265,000)
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Total Appropriation, Department of Law and Public Safety	<u>\$265,000</u>
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67 DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS

*10 Public Safety and Criminal Justice**14 Military Services--Grants-In-Aid*

40-3620 New Jersey National Guard Programs Support Services.....	<u>\$25,000</u>
Total Appropriation, Military Services	<u>\$25,000</u>

Grants:

Civil Air Patrol	(\$25,000)
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*80 Special Government Services**83 Services to Veterans**3610 Veterans' Programs Support--Grants-In-Aid*

50-3610 Veterans' Outreach and Assistance	<u>\$1,120,000</u>
Total Appropriation, Veterans' Program Support	<u>\$1,120,000</u>

Grants:

Veterans' Tuition Credit Program.....	(\$54,000)
POW/MIA Tuition Assistance	(17,000)
Vietnam Veterans' Tuition Aid.....	(32,000)
Veterans Transportation.....	(325,000)
Veterans' Orphans' Fund--Education Grants	(9,000)
Blind Veterans' Allowances.....	(46,000)
Paraplegic and Hemiplegic Veterans' Allowance	(237,000)
Post-Traumatic Stress Disorder.....	(400,000)

The sums provided hereinabove and the unexpended balances as of June 30, 1994 in the Veterans' Tuition Credit, MIA-POW Tuition Assistance and the Vietnam Veterans' Tuition Aid accounts are appropriated and available for payment of liabilities applicable to prior fiscal years.

Total Appropriation, Department of Military and Veterans' Affairs	<u>\$1,145,000</u>
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74 DEPARTMENT OF STATE

*30 Educational, Cultural and Intellectual Development**37 Cultural and Intellectual Development Services--**Grants-In-Aid*

05-2530 Support of the Arts	\$10,175,000
07-2540 Development of Historical Resources	<u>225,000</u>
Total Appropriation, Cultural and Intellectual Development Services	<u>\$10,400,000</u>

Grants:

Cultural Projects.....	(\$10,175,000)
Grants in New Jersey History.....	(210,000)
Grants in Afro-American History.....	(15,000)

The State Council on the Arts may require of recipient groups, and in the case of those receiving over \$100,000 shall require, that those groups demonstrate a Statewide benefit as a result of the grants.

Of the amount hereinabove for Cultural Projects, an amount not to exceed \$75,000 may be used for administrative purposes, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove for Cultural Projects, an amount not to exceed \$125,000 may be used for the audit of cultural

projects as required under the provisions of the Single Audit Act, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove for Cultural Projects, funds may be used for the purpose of matching federal grants.

A sum, not to exceed \$200,000, is appropriated from the "Cultural Centers and Historic Preservation Fund," established pursuant to section 20 of P.L.1987, c.265, for costs attributable to planning and administering the cultural center development of State grants, subject to the approval of the Director of the Division of Budget and Accounting.

80 Special Government Services

82 Protection of Citizens' Rights--Grants-In-Aid

24-2588 Advocacy for the Developmentally Disabled	<u>\$100,000</u>
Total Appropriation, Protection of Citizens' Rights	<u>\$100,000</u>
Grants:	
Privatization Transition Funding.....	(\$100,000)
Total Appropriation, Department of State	<u>\$10,500,000</u>

78 DEPARTMENT OF TRANSPORTATION

60 Transportation Programs

62 Public Transportation--Grants-In-Aid

04-6050 New Jersey Transit Corporation-Operations	
Bus Operations.....	\$297,011,000
Rail Operations	298,689,000
Corporate Operations	160,000,000
Purchased Transportation.....	<u>58,600,000</u>
Total All Operations.....	<u>\$814,300,000</u>
Less:	
Federal Operating Assistance.....	(\$38,000,000)
Farebox Revenue	(366,000,000)
Other Resources.....	(170,100,000)
Total Income Deductions.....	<u>(\$574,100,000)</u>
Total Appropriation, Public Transportation.....	<u>\$240,200,000</u>
Personal Services:	
Salaries and Wages	(\$500,334,000)
Materials and Supplies	(113,466,000)
Services Other Than Personal.....	(48,400,000)
Special Purpose:	
Leases and Rentals.....	(1,800,000)
Purchased Transportation.....	(58,600,000)
Insurance and Claims.....	(33,400,000)
Tolls, Taxes and Other Operating Expenses.....	(58,300,000)

Less:

<i>Federal Operating Assistance</i>	(\$38,000,000)
<i>Farebox Revenue</i>	(366,000,000)
<i>Other Resources</i>	(170,100,000)

64 Regulation and General Management--Grants-In-Aid

05-6070 Access and Use Management	<u>\$800,000</u>
Total Appropriation, Planning and General Management Support.....	<u>\$800,000</u>

Grants:

Airport Safety Fund	(\$700,000)
New Jersey Citizens for Environmental Research-Aircraft Noise Abatement Study	(100,000)

The unexpended balance as of June 30, 1994 in the Airport Safety Fund account together with any receipts in excess of the amount anticipated are appropriated.

The amount hereinabove for the Airport Safety Fund is payable out of the "Airport Safety Fund" established pursuant to section 4 of P.L.1983, c.264 (C6:1-92). If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

Total Appropriation, Department of Transportation	<u>\$241,000,000</u>
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98 THE JUDICIARY*10 Public Safety and Criminal Justice**15 Judicial Services*

The unexpended balance as of June 30, 1994 in these respective accounts are appropriated.

Receipts from charges to Grant-In-Aid accounts listed hereinabove are appropriated for services provided to these funds.

Total Appropriation, Grants-In-Aid	<u>\$3,168,850,000</u>
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STATE AID**20 DEPARTMENT OF COMMERCE AND
ECONOMIC DEVELOPMENT***50 Economic Planning, Development and Security**51 Economic Planning and Development--State Aid*

20-2800 Economic Development.....	<u>\$3,648,000</u>
Total Appropriation, Economic Planning and Development	<u>\$3,648,000</u>

State Aid:

Debt Service Reserve Fund Requirements, Section 14 of P.L.1968, c.60 (C.12:11A-14)	(\$3,648,000)
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Total Appropriation, Department of Commerce and Economic Development.....	<u>\$3,648,000</u>
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22 DEPARTMENT OF COMMUNITY AFFAIRS
 40 *Community Development and Environmental Management*
 41 *Community Development Management--State Aid*

02-8020 Housing Services	\$17,275,000
04-8030 Local Government Services.....	249,429,000
06-8015 Uniform Construction Code.....	<u>46,000</u>
Total Appropriation, Community Development Management	<u>\$266,750,000</u>
State Aid:	
Municipal Revitalization Program	(\$165,000,000)
Relocation Assistance	(600,000)
Neighborhood Preservation (P.L.1975, c.248 and c.249)	(2,750,000)
Neighborhood Preservation - Fair Housing (P.L.1985, c.222).....	(13,925,000)
Safe and Clean Neighborhoods	(14,581,000)
Safe and Clean: Expanded Police Services	(25,000,000)
Aid to Public Safety Impacted Municipalities and Counties - World Cup Soccer	(2,000,000)
Supplementary Aid For Fire Services (P.L.1985, c.295)	(8,000,000)
Aid to Depressed Rural Centers	(518,000)
Payment to Urban Centers - Raze Vacant Buildings	(250,000)
Aid To High Bridge Borough - Subsidence Precaution.....	(50,000)
Municipal Memberships in Building Codes Association	(46,000)
Aid to Camden County for Rehiring of Laid-off Sheriff's Officers	(1,000,000)
Aid to Town of Spotswood for Police Equipment	(30,000)
Per Capita Aid.....	(33,000,000)

Of the sum hereinabove for Neighborhood Preservation, a sum not to exceed \$300,000 may be used for administration of the program and technical assistance, and up to \$300,000 for matching on a 50/50 basis for the administrative costs of the Federal Small Cities block grant.

The unexpended balance as of June 30, 1994 in the Neighborhood Preservation-Fair Housing account is appropriated.

The unexpended balance as of June 30, 1994, in the Relocation Assistance account is appropriated.

Any receipts in excess of the amount anticipated in the Neighborhood Preservation-Fair housing account are appropriated.

The amount hereinabove for Neighborhood Preservation-Fair Housing is payable from the receipts of the portion of the re-

alty transfer tax directed to be credited to the Neighborhood Preservation Nonlapsing Revolving Fund pursuant to section 4 of P.L.1968, c.49 (C.46:15-8) and from the receipts of the portion of the realty transfer tax directed to be credited to the Neighborhood Preservation Nonlapsing Revolving Fund pursuant to section 4 of P.L.1975, c.176 (C.46:15-10.1). If the receipts are less than anticipated, the appropriation shall be reduced proportionately.

Of the amount hereinabove for Neighborhood Preservation-Fair Housing, an amount not to exceed \$1,000,000 may be used to provide technical assistance grants to nonprofit organizations for creating affordable housing opportunities.

Notwithstanding any law to the contrary, funds appropriated for Neighborhood Preservation-Fair Housing may be provided directly to the housing project being assisted; provided, however, that any such project have the support by resolution of the governing body of the municipality in which it is located.

The unexpended balance as of June 30, 1994, in the Safe and Clean: Expanded Police Services account is appropriated.

The amount hereinabove for the Per Capita Aid account shall be distributed to municipalities in proportion to the number of residents of each municipality as determined pursuant to the 1990 federal census.

Notwithstanding the provisions of P.L.1979, c.118 (C.52:27D-118.1 et seq.), \$4,500,000 of the amount hereinabove for Safe and Clean Neighborhoods is allocated equally to each municipality whose population is in excess of 75,000 which received such aid in calendar year 1985; provided further, however, that each recipient municipality match its allocation with an equal amount; and provided further, however, that any increase in assistance to any town be used for law enforcement.

Notwithstanding any provision of P.L.1976, c.68 (C.40A:4-45.1 et seq.), P.L.1979, c.118 (C.52:27D-118.1 et seq.), P.L.1985, c.170 (C.52:27D-118.11 et seq.), or P.L.1985, c.295 (C.52:27D-118.17 et seq.) to the contrary, the Director of the Division of Local Government Services is authorized, upon receipt of any required documentation and certification, to accept the adopted annual budget of the local unit as a contract for the Safe and Clean Neighborhoods, Safe and Clean: Expanded Police Services or Supplementary Aid for

Fire Services programs; and that for local Fiscal Year 1995, the director is further authorized to permit for each of these programs an amount equal to the full cost of employing additional uniformed police officers or firefighters hired under the programs, not to exceed the number employed under each program in 1990, less the amount of the State grant, as a local match in exception to spending limitations pursuant to section 3 of P.L.1976, c.68 (C.40A:4-45.3); provided that if the director finds, pursuant to a review conducted by the local unit's auditor as part of the annual audit of the local unit's finances, that the local unit did not comply with the terms and conditions of the grant, the director may require a return of grant funds.

Notwithstanding any provision of P.L.1985, c.170 (C.52:27D-118.11 et seq.), or P.L.1985, c.295 (C.52:27D-118.17 et seq.) to the contrary, if a local unit in program year 1994 or 1995 is unable to meet the requirements for maintenance of minimum staffing, the Director of the Division of Local Government Services may, for good cause, waive that requirement and convert the entitlement to a discretionary grant pursuant to the provisions of section 2 of P.L.1985, c.170 (C.52:27D-118.12), or section 3 of P.L.1985, c.295 (C.52:27D-118.19) as appropriate.

Notwithstanding the provisions of section 4 of P.L.1977, c.260 (C.52:27D-165), the amount hereinabove for Aid to Depressed Rural Centers shall be distributed in the same amount and to the same municipalities which received such aid in Fiscal Year 1994 pursuant to the provisions of P.L.1993, c.155.

Notwithstanding the provisions of P.L.1977, c.260 (C.52:27D-162 et seq.), the amount hereinabove for Aid to Depressed Rural Centers shall be used to provide State aid under the "Depressed Rural Centers Aid Act," P.L.1977, c.260 (C.52:27D-162 et seq.).

Notwithstanding any law to the contrary, any funds appropriated as State aid and payable to any municipality in which the provisions of Article 4 of the "Local Government Supervision Act (1947)," P.L.1947, c.151 (C.52:27BB-54 et seq.) are in effect, may be pledged as a guarantee for payment of principal and interest on any bond anticipation notes issued pursuant to N.J.S40A:2-8 and any tax anticipation notes issued pursuant to N.J.S40A:4-64 by such municipality. Such funds, if so pledged, shall be made available by the State Treasurer upon receipt of a written notification by the Direc-

tor of the Division of Local Government Services that the municipality does not have sufficient funds available for prompt payment of principal and interest on such notes, and shall be paid by the State Treasurer directly to the holders of such notes at such time and in such amounts as specified by the director, notwithstanding that payment of such funds does not coincide with any date for payment otherwise fixed by law.

The unexpended balance as of June 30, 1994 in the Supplementary Aid for Fire Services account is appropriated.

Notwithstanding any provisions of the "Local Budget Law," N.J.S40A:4-1 et seq. to the contrary, the Director of the Division of Local Government Services may require any municipality which is determined to be experiencing fiscal distress pursuant to the provisions of P.L.1987, c.75 (C.52:27D-118.24 et seq.), P.L.1993, c.155 or this act, whether or not the municipality is an "eligible municipality" as defined in section 3 of P.L.1987, c.75 (C.52:27D-118.26), to anticipate and include in its annual budget any additional item or amount of revenue as the director deems to be appropriate and fiscally prudent.

Notwithstanding the provisions of P.L.1985, c.379 and any installment agreement specified by the Local Finance Board pursuant thereto, the township of North Bergen shall make annual payments of \$300,000 each during calendar years 1995 and 1996 in repayment of the loan made pursuant to P.L.1985, c.379, in addition to any payments required to be made to discharge the loan pursuant to the provisions of P.L.1989, c.122, P.L.1990, c.43, P.L.1991, c.185, P.L.1992, c.40 and P.L.1993, c.155.

Notwithstanding any provision of law to the contrary, unallocated balances in any of the State aid appropriations made hereinabove shall be reallocated to any municipality that shall receive less Municipal Aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.) in Fiscal Year 1995 than it received in Fiscal Year 1993, but such reallocated amount shall not exceed the difference in Fiscal Year 1993 and Fiscal Year 1995 Municipal Aid payments received by a municipality.

The sum hereinabove for Aid to Public Safety Impacted Municipalities and Counties - World Cup Soccer shall be distributed by the Commissioner of Community Affairs to

municipalities and counties as determined by the commissioner for additional costs incurred by the municipalities and counties for law enforcement and emergency first aid due directly to the World Cup Soccer matches. The distribution shall be based on information provided in written applications submitted by municipalities and counties that meet the criteria for need as shall be established by the commissioner for this purpose.

Notwithstanding any provision of law to the contrary, municipal appropriations for "Reserve for Tax Appeals" may be made in exception to spending limitations pursuant to section 3 of P.L.1976, c.76 (C.40A:4-45.3).

The sum hereinabove appropriated for the Municipal Revitalization Program may be made available, subject to the approval of the Director of the Division of Budget and Accounting, to municipalities experiencing fiscal distress as determined pursuant to P.L.1987, c.75 (C.52:27D-118.24 et seq.) whether or not a municipality is an "eligible municipality" as defined in section 3 of P.L.1987, c.75 (C.52:27D-118.26). A municipality which is eligible for assistance pursuant to this provision, but is not an "eligible municipality" as defined in section 3 of P.L.1987, c.75 (C.52:27D-118.26), may make application for assistance to the director and the board, describing the financial condition of the municipality, those circumstances which support a determination of fiscal distress pursuant to P.L.1987, c.75 (C.52:27D-118.24 et seq.) and any other information required by the director.

Of the amount appropriated for the Municipal Revitalization Program, not more than \$1,000,000 may be used for administration of the program.

Any loan repayments made pursuant to P.L.1987, c.75 (C.52:27D-118.24 et seq.) are appropriated to the Municipal Revitalization Program account. The Director of the Division of Local Government Services may reallocate these funds, subject to the approval of the Director of the Division of Budget and Accounting, for additional loans and grants pursuant to the provisions of P.L.1987, c.75 (C.52:27D-118.24 et seq.).

The Director of the Division of Local Government Services in the Department of Community Affairs shall report to the Joint Budget Oversight Committee on the Municipal Revitalization Program. Such reports shall emphasize the expenditures

proposed to be made by recipients of municipal revitalization assistance grants, the controls being exercised by municipalities over expenditure levels, the status of the department's audit and monitoring process.

50 Economic Planning, Development and Security

55 Social Services Programs - State Aid

08-8060 Programs for the Aging	<u>\$2,245,000</u>
Total Appropriation, Social Services Programs	<u>\$2,245,000</u>
State Aid:	
County Office On Aging	(\$840,000)
Older Americans Act - State Share	(1,405,000)
Total Appropriation, Department of Community Affairs	<u>\$268,995,000</u>

34 DEPARTMENT OF EDUCATION

30 Educational, Cultural and Intellectual Development

31 Direct Educational Services and Assistance--State Aid

01-5120 General Formula Aid	\$53,135,000
02-5120 Nonpublic School Aid	69,586,000
03-5120 Miscellaneous Grants-in-Aid	8,178,000
04-5062 Adult and Continuing Education	2,448,000
07-5120 Special Education	<u>526,000</u>
Total Appropriation, Direct Educational Services and Assistance	<u>\$133,873,000</u>
State Aid:	
Foundation Aid - Quality Education	
Act of 1990	(\$46,135,000)
Desegregation Aid	(7,000,000)
Nonpublic Textbook Aid	(8,473,000)
Nonpublic Nutrition Aid	(439,000)
Nonpublic Handicapped Aid	(20,153,000)
Nonpublic Auxiliary Services Aid	(26,535,000)
Nonpublic Auxiliary/Handicapped	
Transportation Aid	(2,084,000)
Nonpublic Nursing Services Aid	(11,902,000)
Emergency Fund	(200,000)
Education Excellence Initiative	(1,000,000)
Payments for Institutionalized Children -	
Unknown District of Residence	(6,224,000)
Minimum Teacher Starting Salary	(250,000)
Educational Information and Resource Center	(504,000)
Evening School For the Foreign Born	(211,000)
High School Equivalency	(1,213,000)
Adult Literacy	(1,024,000)
A. Harry Moore School	(526,000)

Of the amount hereinabove for Foundation Aid, an amount equal to the total earnings of investments of the School Fund shall first be charged to such fund.

Notwithstanding any other law to the contrary, the Foundation Aid entitlement for each school district shall be the same as the entitlement amount for the district in 1993-1994. Further, such additional funds as are available in the Foundation Aid account shall be distributed to the special needs districts so that each special needs district's Foundation Aid is increased by the same percentage.

Additional sums as necessary for the Department of Education to provide additional State aid to a State-operated district pursuant to N.J.S.A18A:7A-52 is appropriated subject to the recommendation of the Commissioner of Education and the Director of the Division of Local Government Services and the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 6 of P.L.1990, c.52 (C.18A:7D-6), section 14 of P.L.1977, c.193 (C.18A:46-198), and section 9 of P.L.1977, c.192 (C.18A:46A-9), the State foundation amount for the 1994-1995 school year for the purpose of computing nonpublic auxiliary services and nonpublic handicapped aid shall equal \$7,232.

Notwithstanding the provisions of section 9 of P.L.1977, c.192 (C.18A:46A-9), the per pupil amount for compensatory education for the 1994-1995 school year for the purpose of computing nonpublic auxiliary services aid shall equal \$642.40.

Notwithstanding the provisions of section 8 of P.L.1991, c.226 (C.18A:40-30), the amount appropriated hereinabove for Nonpublic Nursing Services Aid shall be made available to local school districts based upon the number of pupils enrolled in each nonpublic school on the last day prior to October 16, 1993.

Notwithstanding any other law, the amount of State aid made available to the Department of Human Services pursuant to "The State Facilities Education Act of 1979," P.L.1979, c.207 (C.18A:7B-1 et seq.) to defray the costs of educating eligible children in approved private schools under contract with the Department of Human Services shall not exceed the actual costs of the education of those children in such private schools.

Notwithstanding the provisions of section 6 of P.L.1977, c.192 (C.18A:7B-2) and section 6 of P.L.1990, c.52 (C.18A:7D-6), the State foundation amounts for the 1994-1995 school year for the purpose of "The State Facilities Education Act of 1979," P.L.1979, c.207 (C.18A:7B-1 et seq.) shall equal \$6,742 for foundation support and \$7,232 for special education aid.

Notwithstanding any other law to the contrary, special education aid for pupils classified as eligible for day training shall be paid directly to the resident school district; provided, however, that for pupils under contract for service in a day training facility operated by or under contract with the Department of Human Services, or for pupils not otherwise under contract as of May 1, 1994, aid shall be paid to the Department of Human Services under the provisions of P.L.1979, c.207, "The State Facilities Education Act."

Of the amount hereinabove in the High School Equivalency and the Adult Literacy accounts, such sums as are necessary may be transferred to an applicant State department.

Notwithstanding any other law to the contrary, the Desegregation Aid entitlement for each school district shall equal the entitlement for the district in 1993-1994 multiplied by 0.5. Further, a school district's Desegregation Aid shall be used to reduce the district's local property tax levy.

Of the amount appropriated hereinabove for the Education Excellence Initiative account, \$700,000 shall be allocated to Cherry Hill, \$200,000 shall be allocated to Medford Lakes and \$100,000 shall be allocated to Stanhope.

33 Supplemental Education and Training Programs--State Aid

20-5062 General Vocational Education	<u>\$6,821,000</u>
Total Appropriation, Supplemental Education and Training Programs	<u>\$6,821,000</u>
State Aid:	
District and Regional Vocational Education	(\$840,000)
Schools of Industrial Education	(21,000)
Vocational Education	(5,460,000)
Work-Study Program	(500,000)

34 Educational Support Services--State Aid

30-5063 Educational Programs and Student Services	\$75,000
37-5120 School Nutrition	6,565,000
38-5120 Facilities Planning and School Building Aid	<u>14,841,000</u>
Total Appropriation, Educational Support Services	<u>\$21,481,000</u>
State Aid:	
Alternative School Program for Disruptive Students	(\$75,000)
State School Lunch Aid	(6,565,000)
School Building Aid Debt Service	(14,841,000)

The unexpended balance as of June 30, 1994 in the School Building Aid Debt Service account is appropriated for the same purpose.

37 Cultural and Intellectual Development Services--State Aid

51-5070 Library Services		<u>\$13,112,000</u>
Total Appropriation, Cultural and		
Intellectual Development Services		<u>\$13,112,000</u>
State Aid:		
Per Capita Library Aid.....	(\$7,665,000)	
Emergency Aid/Incentive Grants	(105,000)	
Library Network	(4,775,000)	
Library Development Aid	(567,000)	
Total Appropriation, Department of Education		<u>\$175,287,000</u>

The unexpended balances as of June 30, 1994 in the State Aid accounts, not to exceed \$650,000 are appropriated.

In the event that sufficient funds are not appropriated to fully fund any State aid item, the Commissioner of Education shall apportion such appropriation among the districts in proportion to the State aid each district would have been apportioned had the full amount of State aid been appropriated.

Of the amount appropriated hereinabove for the Department of Education, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page L-39 in the Governor's Budget Recommendation Document dated March 15, 1994 first shall be charged to the State Lottery Fund.

For the 1994-1995 school year, each non-special needs district may increase its maximum permissible net budget from the preceding school year by the prior year's percentage increase less 0.75 without the loss of State aid. Any non-special needs district which increases its net budget by more than the prior year's percentage increase less 0.75 absent approval obtained consistent with the procedure in subsections e. and f. of section 85 of P.L.1990, c.52 (C.18A:7D-28), shall lose State aid which is paid to or on behalf of the district equal to the amount by which the district exceeds this percentage increase.

For the 1994-95 school year, each special needs district may increase its maximum permissible net budget from the preceding school year by 8.4 percent without the loss of State aid. Any special needs district which increases its net budget by more than 8.4 percent absent approval obtained consistent with the procedure in subsections e. and f. of section 85 of P.L.1990, c.52 (C.18A:7D-28), shall lose State aid which is paid to or on behalf of the district equal to the amount by which the district exceeds this percentage increase.

Notwithstanding the provisions of any other law to the contrary, the Director of the Division of Budget and Accounting shall reduce the payment of State education aid to each school district by the amount the State Health Benefits Commission has determined to rebate from the accumulated surplus in the State Health Benefits Fund to each such school district in Fiscal Year 1995 and the amount of any savings each district receives due to reduction of employers' contributions to the Public Employees Retirement System in Fiscal Year 1995. The rebate amount to each district shall be included within the district's maximum permissible net budget for the 1994-1995 school year.

Notwithstanding any other provision of law to the contrary, the repayment by the Hudson Association for Retarded Citizens to the Department of Education of the unexpended balance of a Special Education Programs grant from federal funds received from a Fiscal Year 1990 appropriation made pursuant to the early intervention program, Part H, under a grant agreement for an AIDS infant-parent pilot program, and of any other funds remaining to be paid to the department from unexpended balances from Fiscal Year 1990 State appropriations, shall be deferred during Fiscal Year 1995.

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

40 Community Development and Environmental Management

42 Natural Resource Management--State Aid

21-4895 Natural Resources Engineering	<u>\$600,000</u>
Total Appropriation, Natural Resource Management	<u>\$600,000</u>
State Aid:	
Dredging of Inland Waterways--State	
Aid to Counties and Municipalities	(\$600,000)

There are appropriated from the "Shore Protection Fund" created pursuant to P.L.1992, c.148, such sums as are necessary for the costs attributable to planning and administration of the shore protection program, subject to the approval of the Director of the Division of Budget and Accounting.

43 Science and Technical Programs--State Aid

The unexpended balances in this account as of June 30, 1994 are appropriated.

44 Site Remediation--State Aid

19-4815 Publicly Funded Site Remediation .	<u>\$450,000</u>
Total Appropriation, Site Remediation	<u>\$450,000</u>

State Aid:

North Arlington Mine Remediation (State-Match)	(\$200,000)
Rockaway Township Mine subsidence remediation (State Match)	(150,000)
City of Linden Technical Defense in GAF Hazardous Waste Incinerator Proceeding	(100,000)

45 Environmental Regulation--State Aid

The unexpended balances in this account as of June 30, 1994 are appropriated.

46 Environmental Planning and Administration--State Aid

99-4800 Management and Administrative Services	<u>\$3,732,000</u>
Total Appropriation, Environmental Planning and Administration	<u>\$3,732,000</u>

State Aid:

Payment of In Lieu Taxes	(\$875,000)
Administration, Planning and Development Activities of the Pinelands Commission	(2,489,000)
Mosquito Control, Research, Administration and Operations.....	(368,000)

Receipts derived from the rental of property acquired pursuant to P.L.1969, c.138 (C.58:21A-1 et seq.); P.L.1970, c.147 (C.58:21B-1 et seq.); P.L.1971, c.165; P.L.1974, c.102; P.L.1978, c.118; P.L.1983, c.354; and P.L.1989, c.183, and the unexpended balance as of June 30, 1994 of such receipts, not to exceed \$250,000, are appropriated for payments in lieu of taxes on properties and for maintenance of properties.

47 Enforcement Policy--State Aid

08-4855 Water Pollution Control	<u>\$1,000,000</u>
Total Appropriation, Enforcement Policy	<u>\$1,000,000</u>

State Aid:

County Environmental Health Act	(\$1,000,000)
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Notwithstanding the provisions of any other law, receipts from fines and penalties in excess of those anticipated are appropriated for grants pursuant to the "County Environmental Health Act," P.L.1977, c.443 (C.26:3A2-21 et seq.) in an amount not to exceed \$2,300,000 and for grants to local environmental commissions in an amount not to exceed \$200,000, from the following programs: Air Pollution, P.L.1954, c.212 (C.26:2C-1 et seq.); Coastal Resources, R.S.12:5-6; Pesticides, section 10 of P.L.1971, c.176 (C.13:1F-10); Radiation, section 13 of P.L.1956, c.116 (C.26:2D-13); Water Resources, section 10 of P.L.1977, c.74 (C.58:10A-10); Solid Waste, section 9 of P.L.1970, c.39 (C.13:1E-9); and Hazardous Waste, section 9 of P.L.1970, c.39 (C.13:1E-9).

The net State share of reimbursements and the net balances remaining after full payment of sums due the federal government of all funds recovered under R.S.44:7-14, P.L.1959, c.86 (C.44:10-1 et seq.), and P.L.1950, c.166 (C.30:4B-1 et seq.), during the fiscal year ending June 30, 1995 are appropriated.

Receipts from State administered municipalities during the fiscal year ending June 30, 1995 are appropriated.

The sum hereinabove appropriated is available for payment of obligations applicable to prior fiscal years.

Any change by the Department of Human Services in the standards upon which or from which grants of categorical public assistance are determined, first shall be approved by the Director of the Division of Budget and Accounting.

A portion of the amount hereinabove appropriated for Payments to Municipalities for Cost of General Assistance, not to exceed \$1,400,000, is available for transfer to the Department of Labor, Division of Employment Services, for support costs related to the workfare program established pursuant to P.L.1947, c.156 (C.44:8-107 et seq.). Any funds transferred to the Department of Labor shall be used solely to fund employability teams and other costs to implement this General Assistance work program.

Receipts from counties for persons receiving Old Age Assistance, Disability Assistance, and Assistance for the Blind under the Supplemental Security Income (SSI) program are appropriated for the purpose of providing State aid to the counties, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any provision of State law to the contrary, there will be no further payment for benefits previously provided under the General Assistance program for the costs of hospitalization for such expenses incurred on or after July 1, 1991.

Notwithstanding the provisions of section 18 of P.L.1947, c.156 (C.44:8-124) to the contrary, outpatient services, including, but not limited to, emergency room, clinic and diagnostic services rendered on or after July 1, 1992 to recipients of General Assistance by hospitals shall not be reimbursed. Furthermore, municipalities shall not provide reimbursement for inpatient or outpatient medical services provided in prior fiscal years if submitted for reimbursement after July 31, 1992.

Notwithstanding the provisions of P.L.1947, c.156 (C.44:8-107 et seq.) to the contrary, assistance shall not be granted to an illegal alien or to aliens admitted as students or visitors. To be eligible for assistance an individual shall be either a citizen of the United States or otherwise permanently residing in the United States under color of law, including any alien who is lawfully present in the United States as a result of the application of section 207(c), section 203(a)(7) (prior to April 1, 1980), section 208, and section 212(d)(5) of the "Immigration and Nationality Act," 8 U.S.C. §1157(c), 1153(a)(7), 1158, and 1182(d)(5).

In addition to the provisions of section 3 of P.L.1973, c.256 (C.44:7-87), the Department of Human Services shall assess welfare boards at the beginning of each fiscal year in the same proportion that the counties currently participate in the federal categorical assistance programs, in order to obtain the amount of each county's share of the supplementary payments for eligible persons in this State, based upon the number of eligible persons in the county. Welfare boards shall pay the amount assessed.

In addition to the provisions of section 5 of P.L.1959, c.86 (C.44:10-5), for payments that are not eligible for federal financial participation, payment of the State share of expenditures by the county welfare agency for Aid to Families with Dependent children shall be at the rate of 115% during the period July 1 through December 31 of each year and at a rate of 75% during the period January 1 through June 30; provided that, the total payment of the State share of expenditures during the period January 1 through December 31 of each year shall not exceed 95%.

Notwithstanding the provisions of P.L.1959, c.86 (C.44:10-1 et seq.) to the contrary, assistance shall not be granted to an illegal alien or to aliens admitted as students or visitors. To be eligible for assistance an individual shall be either a citizen of the United States or otherwise permanently residing in the United States under color of law, including any alien who is lawfully present in the United States as a result of the application of section 207(c), section 203(a)(7) (prior to April 1, 1980), section 208, and section 212(d)(5) of the "Immigration and Nationality Act," 8 U.S.C. §1157(c), 1153(a)(7), 1158, and 1182(d)(5).

A portion of the amount hereinabove appropriated for Payments to Municipalities for Cost of General Assistance, not to exceed \$100,000, is available for the implementation of a public service employment pilot program by the Department of Human Services.

Total Appropriation, Department of Human Services	<u>\$578,476,000</u>
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66 DEPARTMENT OF LAW AND PUBLIC SAFETY

10 Public Safety and Criminal Justice

12 Law Enforcement--State Aid

09-1020 Criminal Justice	<u>\$9,000,000</u>
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Total Appropriation, Law Enforcement--State Aid and Grants	<u>\$9,000,000</u>
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State Aid:

Safe and Secure Communities Program ..	(\$9,000,000)
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Total Appropriation, Department of Law and Public Safety	<u>\$9,000,000</u>
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74 DEPARTMENT OF STATE

30 Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services--State Aid

06-2535 Museum Services	<u>\$1,720,000</u>
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Total Appropriation, Cultural and Intellectual Development Services	<u>\$1,720,000</u>
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State Aid:

Operational Grant for Newark Museum ..	(\$1,720,000)
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Total Appropriation, Department of State	<u>\$1,720,000</u>
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82 DEPARTMENT OF THE TREASURY

70 Government Direction, Management and Control

75 State Subsidies and Financial Aid--State Aid

27-2085 Other Distributed Taxes	\$6,500,000
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28-2077 County Boards of Taxation	1,019,000
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29-2088 Locally Provided Services	34,855,000
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30-2081 Railroad Property Taxes	809,000
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31-2082 Business Personal Property Tax Replacement	72,288,000
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35-2087 Consolidated Police and Firemen's Pension Fund	6,283,000
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36-2081 Municipal Purposes Tax Assistance Fund	<u>30,000,000</u>
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Total Appropriation, State Subsidies and Financial Aid	<u>\$151,754,000</u>
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Personal Services:

County Tax Board Members (71)	(\$1,019,000)
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State Aid:

Payments to Municipalities to Replace Franchise	
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Tax on Certain Telecommunications Carriers	(6,500,000)
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Payments to Municipalities for Services to State-Owned Property Pursuant to P.L.1977,c.272 (C.54:4-22a et seq.)	(34,855,000)
Payments to Municipalities In Lieu of Railroad Property Tax Pursuant to P.L.1941, c.291 (C.54:29A-1 et seq.)	(809,000)
Payments to Municipalities to Replace Property Tax on Business Personalty	(72,288,000)
State contribution to Consolidated Police and Firemen's Pension Fund	(6,283,000)
Payments to Municipalities Pursuant to Municipal Purposes Tax Assistance Program, P.L.1980, c.12 (C.54:1-46 et seq.)	(30,000,000)

The sum appropriated hereinabove for Payments to Municipalities to Replace Franchise Tax on Telecommunications shall be distributed not later than November 1, 1994, to eligible municipalities as provided in subsection b. of section 5 of P.L.1989, c.2 (C.54:30A-24.2), provided that any amounts remaining undistributed following the application of that subsection shall be allocated and distributed on a proportionate basis to those qualifying and participating municipalities receiving a distribution in calendar year 1994 from the "Municipal Purposes Tax Assistance Fund" established pursuant to section 3 of P.L.1980, c.12 (C.54:1-48). The Director of the Division of Taxation shall certify the distribution as herein provided.

Notwithstanding the provisions of P.L.1941, c.291 (C.54:29A-1 et seq.), the sum hereinabove appropriated for Payments to Municipalities In Lieu of Railroad Property Tax shall be paid only to those municipalities in which Class II railroad property owned by New Jersey Transit Corporation is located.

Notwithstanding the provisions of the Corporation Business Tax Act (1945), P.L.1945, c.162 (C.54:10A-1 et seq.), and the "Financial Business Tax Law (1946)," P.L.1946, c.174 (C.54:10B-1 et seq.), there are appropriated so much of the proceeds derived from the imposition of the corporation business tax on financial business corporations, and from the financial business tax, as may be required for payment to the local taxing districts; provided however, that the sum apportioned to the several counties of the State shall not be distributed and shall be anticipated as revenue for general State purposes.

There are appropriated so much of the proceeds of taxes on fire insurance premiums, received or receivable, as may be required for payment to the New Jersey Firemen's Home and

Notwithstanding the provisions of any other law to the contrary, of the amount hereinabove for Payments to Municipalities for Services to State-Owned Property, the city of Trenton shall first receive, in addition to any other payments to which it is entitled pursuant to P.L.1977, c.272 (C.54:4-2.2a et seq.) under this appropriations act, payments equal to the amount that Trenton was entitled to receive in Fiscal Year 1994 pursuant to P.L.1977, c.272, as if such law was full funded multiplied by 1.89. Such additional payment shall be paid on November 1, 1994.

Notwithstanding the provisions of any other law, of the amount hereinabove for Payments to Municipalities for Services to State-Owned Property, the township of Ewing shall first receive, in addition to any other payments to which it is entitled pursuant to P.L.1977, c.272 (C.54:4-2.2a et seq.) under this appropriations act, payments equal to the amount that Ewing was entitled to receive in Fiscal Year 1994 pursuant to section 5 of P.L.1977, c.272 (C.54:4-2.2c) on account of the hold-harmless provision contained in section 5 concerning the extraordinary payment for municipal services and in lieu of taxes under P.L.1977, c.137 multiplied by 7.57. Such additional payment shall be paid on November 1, 1994.

The Director of the Division of Budget and Accounting shall reduce amounts provided to any municipality from the appropriations hereinabove by the difference, if any, between the sum of rebates from the State Health Benefits Fund accumulated surplus and pension contribution savings, and the sum of Supplemental Municipal Property Tax Relief Act - Formula Aid and Supplemental Municipal Property Tax Relief Act - Hold-Harmless Formula Aid, payable to such municipality.

Total Appropriation, Department of the Treasury	<u>\$151,754,000</u>
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98 THE JUDICIARY

10 Public Safety and Criminal Justice

15 Judicial Services--State-aid

03-9720 Civil Courts	\$23,619,000
04-9725 Criminal Courts	25,099,000
05-9730 Family Courts	23,677,000
07-9740 Probation Services	41,751,000
11-9760 Field Operations	15,898,000
12-9765 Management and Administration....	<u>25,937,000</u>
Total Appropriation, Judicial Services.....	<u>\$155,981,000</u>

State Aid:

State Assumption of County Costs--	
Civil Court.....	(\$23,619,000)
Criminal Court.....	(25,099,000)
Family Court.....	(23,477,000)
Probation Services	(41,751,000)
Field Operations.....	(15,898,000)
Fringe Benefits.....	(25,937,000)
Aid to Bergen County Domestic	
Violence Pilot Program	(200,000)

The Director of the Division of Budget and Accounting shall transfer the appropriation for State Assumption of County Costs - Fringe Benefits account to the appropriate interdepartmental accounts.

Total Appropriation, Judiciary	<u>\$155,981,000</u>
Total Appropriation, State Aid.....	<u>\$1,489,064,000</u>

Whenever any county, municipality, or school district entitled to receive State aid from appropriations made herein withholds funds from State agencies entitled to payment for services, the Director of the Division of Budget and Accounting is authorized to withhold State aid payments to such county, municipality, or school district and transfer the same as payment for funds so withheld.

Any qualifying State aid appropriation, or part thereof, made from the General Fund may be transferred and recorded as an appropriation from the Property Tax Relief Fund, as deemed necessary by the State Treasurer, in order that the Director of the Division of Budget and Accounting may warrant the necessary payments; provided however, that the available unrestricted fund balance in the Property Tax Relief Fund, as determined by the State Treasurer, is sufficient to support the expenditure.

If the sum provided hereinabove for a State aid payment pursuant to formula is insufficient to meet the full requirement of the formula, all recipients of State aid shall have their allocation proportionately reduced.

CAPITAL CONSTRUCTION

01 LEGISLATURE

*70 Government Direction, Management and Control**71 Legislative Activities*

The unexpended balance as of June 30, 1994 in the Legislature is appropriated.

10 DEPARTMENT OF AGRICULTURE
50 Economic Planning, Development and Security
51 Economic Planning and Development

Capital Project:

Horse Park, Roads and Approaches	(\$250,000)	
Total Appropriation, Economic Planning and Development		<u>\$250,000</u>

70 Government Direction, Management and Control
76 Management and Administration

Capital Project:

Laboratory Equipment	(\$242,000)	
Total Appropriation, Management and Administration		<u>\$242,000</u>
Total Appropriation, Department of Agriculture		<u>\$492,000</u>

The unexpended balance as of June 30, 1994 in this department is appropriated.

20 DEPARTMENT OF COMMERCE AND
 ECONOMIC DEVELOPMENT
30 Educational, Cultural and Intellectual Development
37 Cultural and Intellectual Development Services
2920 New Jersey Public Broadcasting Authority

Capital Projects:

Roof Repair, Trenton and New Brunswick	(70,000)	
Total Appropriation, Department of Commerce and Economic Development		<u>\$70,000</u>

The unexpended balance as of June 30, 1994 in this department is appropriated.

26 DEPARTMENT OF CORRECTIONS
10 Public Safety and Criminal Justice
16 Detention and Rehabilitation

Capital Projects:

New Jersey State Prison		
Install New Security Surveillance System	(\$121,000)	
Locking System Upgrade	(307,000)	
Wing #1 Toilet Replacement	(593,000)	
Wing #4 Renovations	(1,110,000)	
Wing #7 Renovations	(1,712,000)	
East Jersey State Prison		
Heating System, Wing #3	(833,000)	
Replace Dining Room Floor	(248,000)	
Replace Locking System, Wings #1 and #3	(5,429,000)	
Replace Steam Line Condensate Pumps and Traps	(483,000)	
Rotunda/Dome Repair	(792,000)	

Security Fencing Enhancements.....	(212,000)	
Sewage Flow Meter and Grinder.....	(49,000)	
Bayside State Prison		
Electrical Improvements.....	(2,100,000)	
Phase II Renovations, Willow Hall	(661,000)	
Upgrade Heating System Steam Lines and Heat Exchange	(1,987,000)	
Riverfront State Prison		
Gym Floor Replacement.....	(151,000)	
Perimeter Road Drainage and Beach Erosion Abatement	(2,330,000)	
Security Door Replacement.....	(121,000)	
Sewer Line Grinder	(150,000)	
Edna Mahan Correctional Facility for Women		
Electrical Renovations.....	(600,000)	
Food Service Expansion	(269,000)	
Pipe and Ceiling Replacement, Randall Cottage	(74,000)	
Plumbing Replacements, North and South Halls	(424,000)	
Sewage Shredder	(25,000)	
Water Pipe and Ceiling Replacement, Cottage A and B	(98,000)	
Adult Diagnostic and Treatment Center, Avenel		
Roof Overhang Repairs	(111,000)	
Sewer Line Shredder	(153,000)	
Garden State Reception and Youth Correctional Facility		
Center Renovations	(146,000)	
Plumbing Fixture Replacement	(281,000)	
Sewage Grinders	(242,000)	
Albert C. Wagner Youth Correctional Facility		
Install New Perimeter Lighting System	(484,000)	
Renovation of Center Control	(363,000)	
Upgrade Sewage Treatment Plant	(1,180,000)	
Mountainview Youth Correctional Facility		
Electrical Service Upgrade	(2,596,000)	
New Boiler	(499,000)	
Repair Showers In Stone Cottages	(160,000)	
Sewage Treatment Plant.....	(1,310,000)	
Total Appropriation, Detention and Rehabilitation		<u>\$28,404,000</u>

*18 Juvenile Correctional Services**7220 New Jersey Training School for Boys*

Capital Project:

Power House Renovation.....	(\$1,061,000)	
Total Appropriation, New Jersey Training School for Boys.....		<u>\$1,061,000</u>

19 Central Planning, Direction and Management

Capital Projects:

Boiler Installation, Juvenile	
Medium Security Facility	(\$399,000)
Deferred Maintenance, Various Institutions	(3,687,000)
Emergency Generators	(2,758,000)
Expansion of Inmate Workspace	(1,687,000)
Fire Safety Code Compliance	(5,000,000)
Road Repairs	(1,000,000)
Roof Replacements/Repairs	(5,574,000)
Security Enhancements, Juvenile Medium	
Security Facility	(152,000)
Water Main Improvements, Juvenile Medium	
Security Facility	(125,000)
Total Appropriation, Central Planning,	
Direction and Management	<u>\$20,382,000</u>
Total Appropriation, Department of Corrections	<u>\$49,847,000</u>

The unexpended balance as of June 30, 1994 in this department is appropriated.

34 DEPARTMENT OF EDUCATION

*30 Educational, Cultural and Intellectual Development**32 Operation and Support of Educational Institutions**5010 Division of Direct Services*

Capital Project:

Replace Leaking Roof and Repair	
Ceilings, COED Building	(\$372,000)
Total Appropriation, Division of Direct Services	<u>\$372,000</u>

5011 Marie H. Katzenbach School for the Deaf

Capital Projects:

Electrical Upgrades	(\$452,000)
Lower Lake Dam Replacement	(53,000)
Replace Water Pipe	(92,000)
Replace Failing Steam Lines	(431,000)
Steam Trap Repair and Replacements	(103,000)
Total Appropriation, Marie H. Katzenbach	
School for the Deaf	<u>\$1,131,000</u>

*35 Education Administration and Management**5095 Division of Administration*

Capital Project:

Roof Replacement and AC repairs, Regional	
Day School	(\$166,000)
Total Appropriation, Division of Administration	<u>\$166,000</u>
Total Appropriation, Department of Education	<u>\$1,669,000</u>

The unexpended balance as of June 30, 1994 in this department is appropriated.

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION
40 Community Development and Environmental Management
42 Natural Resource Management

Capital Projects:

Division of Fish and Game Boat Access..	(\$200,000)
Field Office Renovation.....	(50,000)
Nacote Creek Bulkhead and Ramp	(150,000)
Natural Resource Engineering	
Cheesequake Creek Dredging	(600,000)
Maurice River Dredging	(2,000,000)
Shore Protection Fund Projects.....	(15,000,000)
Total Appropriation, Natural Resource Management	<u>\$18,000,000</u>

There is appropriated from the Fish, Game and Wildlife Recreational Development, and the Fish, Game and Wildlife Renovation and Improvements accounts, and from the Shore Protection accounts such sums as are necessary for costs attributable to planning and administration of these programs, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1954, c.48 (C.52:34-6 et seq.), the Department of Environmental Protection may enter into a contract with the Waterloo Foundation for the Arts for improvements to existing State-owned structures or for the construction of new facilities at Waterloo Village.

There are appropriated from the Development and State Land Acquisition accounts such sums as are necessary for costs attributable to planning and administration of these programs, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for Shore Protection Fund Projects is payable from the receipts of the portion of the realty transfer tax directed to be credited to the Shore Protection Fund pursuant to section 1 of P.L.1992, c.148 (C.13:19-6.1).

43 Science and Technical Programs

Capital Projects:

Flood Control, HR 6 Projects.....	(\$1,100,000)
Flood Control, Non-HR 6 Projects.....	(6,500,000)
Total Appropriation, Science and Technical Programs	<u>\$7,600,000</u>

New Jersey State Library

46 Environmental Planning and Administration

Capital Projects:

Dennis Creek National Wildlife	
Refuge Area, Cape May County.....	(\$66,000)
Mosquito Control Equipment.....	(527,000)
National Wildlife Refuge, Atlantic County	(65,000)
Replace Buoy Tender, Aid to Navigation	(550,000)
Robinson Branch Reservoir,	
Dam Restoration - 50% Match	(750,000)
Rockaway Armory-Sewer Line.....	(235,000)
State Owned Lakes Management	(200,000)
Willes Hole Dredging, (HR 6 Project)	(72,000)
Total Appropriation, Environmental Planning	
and Administration	<u>\$2,465,000</u>
Total Appropriation, Department of	
Environmental Protection	<u>\$28,065,000</u>

The amount hereinabove for Robinson Branch Reservoir Dam Restoration Match shall only be expended upon transfer of title from the Robinson Branch Reservoir to a municipal or county government.

The unexpended balance as of June 30, 1994 in this department is appropriated.

46 DEPARTMENT OF HEALTH*20 Physical and Mental Health**21 Health Services*

Capital Project:

Laboratory Equipment	(\$1,000,000)
Total Appropriation, Department of Health	<u>\$1,000,000</u>

The unexpended balance as of June 30, 1994 in this department, except for Design New Laboratory Facility, is appropriated.

50 DEPARTMENT OF HIGHER EDUCATION*30 Educational, Cultural and Intellectual Development**36 Higher Educational Services**5500 Rowan College of New Jersey*

Capital Projects:

All Other Compliance Projects	(\$258,000)
Environmental Projects	(167,000)
Infrastructure Projects.....	(145,000)
Preservation Projects.....	(379,000)
Total Appropriation, Rowan College of New Jersey	<u>\$949,000</u>

5510 Jersey City State College

Capital Projects:

All Other Compliance Projects	(\$258,000)
Environmental Projects	(59,000)

Infrastructure Projects.....	(52,000)	
Preservation Projects.....	(226,000)	
Total Appropriation, Jersey City State College		<u>\$595,000</u>

5520 Kean College of New Jersey

Capital Projects:		
All Other Compliance Projects	(\$258,000)	
Infrastructure Projects.....	(392,000)	
Preservation Projects.....	(149,000)	
Total Appropriation, Kean College of New Jersey		\$799,000

5530 The William Paterson College of New Jersey

Capital Projects:		
All Other Compliance Projects	(\$258,000)	
Environmental Projects	(238,000)	
Preservation Projects.....	(455,000)	
Total Appropriation, The William Paterson College of New Jersey		\$951,000

5540 Montclair State University

Capital Projects:		
All Other Compliance Projects	(\$187,000)	
Infrastructure Projects.....	(42,000)	
Phragilities Waste Water Treatment Plant	(500,000)	
Preservation Projects.....	(350,000)	
Total Appropriation, Montclair State University		<u>\$1,079,000</u>

5550 Trenton State College

Capital Projects:		
All Other Compliance Projects	(\$258,000)	
Environmental Projects	(30,000)	
Infrastructure Projects	(143,000)	
Preservation Projects	(256,000)	
Total Appropriation, Trenton State College		<u>\$687,000</u>

5560 Ramapo College of New Jersey

Capital Projects:		
All Other Compliance Projects	(\$251,000)	
Infrastructure Projects.....	(46,000)	
Preservation Projects.....	(149,000)	
Total Appropriation, Ramapo College of New Jersey		<u>\$446,000</u>

5570 The Richard Stockton College of New Jersey

Capital Projects:		
All Other Compliance Projects	(\$479,000)	
Environmental Projects	(153,000)	
Infrastructure Projects.....	(227,000)	
Preservation Projects.....	(320,000)	
Total Appropriation, The Richard Stockton College of New Jersey		<u>\$1,179,000</u>

5600 Rutgers, The State University

Capital Projects:

All Other Compliance Projects	(\$737,000)	
Environmental Projects	(360,000)	
Preservation Projects.....	(3,642,000)	
Total Appropriation, Rutgers, The State University		<u>\$4,739,000</u>

5630 University of Medicine and Dentistry of New Jersey

Capital Projects:

All Other Compliance Projects	(\$737,000)	
Environmental Projects	(32,000)	
Infrastructure Projects	(1,412,000)	
Preservation Projects.....	(1,358,000)	
Urban Clinic Planning Grants	(775,000)	
Total Appropriation, University of Medicine and Dentistry of New Jersey		<u>\$4,314,000</u>

5640 New Jersey Institute of Technology

Capital Projects:

All Other Compliance Projects	(\$225,000)	
Infrastructure Projects	(156,000)	
Preservation Projects.....	(610,000)	
Total Appropriation, New Jersey Institute of Technology.....		<u>\$991,000</u>
Total Appropriation, Department of Higher Education		<u>\$16,729,000</u>

The unexpended balance as of June 30, 1994 in this department is appropriated.

54 DEPARTMENT OF HUMAN SERVICES*20 Physical and Mental Health**23 Mental Health Services**7700 Division of Mental Health and Hospitals*

Capital Project:

Construction of New Forensic Hospital ...	(\$1,300,000)	
Total Appropriation, Division of Mental Health and Hospitals		<u>\$1,300,000</u>

*30 Educational, Cultural and Intellectual Development**32 Operation and Support of Educational Institutions**7601 Community Programs*

Capital Project:

Construction of New Group Homes.....	(\$2,000,000)	
Total Appropriation, Community Programs		<u>\$2,000,000</u>

30 Educational, Cultural and Intellectual Development
33 Supplemental Education and Training Programs
7560 Commission for the Blind and Visually Impaired

Capital Project:

Renovations of Client Living/ Training Areas.....	(\$53,000)	
Total Appropriation, Commission for the Blind and Visually Impaired.....		<u>\$53,000</u>

70 Government Direction, Management and Control
76 Management and Administration

Capital Projects:

Client Environment Projects, Department wide	(\$4,474,000)	
Day Room and Cell Sallyport, Juvenile Medium Security Center	(55,000)	
Environmental Protection Phase II, Various Institutions	(1,982,000)	
Infrastructure Improvements, Institutions and Community Facilities	(8,456,000)	
Install Sewer Line Shredder, Juvenile Medium Security Center	(92,000)	
Life Safety Improvements, Various Institutions and Community Facilities	(8,862,000)	
Major Maintenance, Community Facilities	(9,260,000)	
Total Appropriation, Management and Administration		<u>\$33,181,000</u>
Total Appropriation, Department of Human Services		<u>\$36,534,000</u>

The unexpended balance as of June 30, 1994 in this department is appropriated.

66 DEPARTMENT OF LAW AND PUBLIC SAFETY
10 Public Safety and Criminal Justice
11 Vehicular Safety

Capital Projects:

Reserve for Clean Air Act Implementation	(\$35,000,000)	
Deferred Maintenance.....	(375,000)	
Electrical Upgrade, Elizabeth Shop	(71,000)	
HVAC Systems, Various Facilities	(441,000)	
Handicapped Accessible Barrier Free Restrooms, Various Facilities.....	(413,000)	
Improve Driver Testing Center and Parking Areas	(674,000)	
Roof Replacement, Various Facilities.....	(1,674,000)	
Upgrade Visual Lighting Systems, (H.P.S. Lights)	(122,000)	

The amount hereinabove for Reserve for Clean Air Act Implementation shall only be expended upon the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee.

Total Appropriation, Vehicular Safety	<u>\$38,770,000</u>
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12 Law Enforcement

Capital Projects:

Office of State Medical Examiner	
Preservation Projects - State	
Medical Examiners Building	(\$125,000)
Specialized Equipment - State	
Medical Examiners Building	(500,000)
Division of State Police	
Boilers and HVAC Replacement	(72,000)
Bulkhead Repair/Replacement,	
Point Pleasant	(431,000)
Critical Repairs/Rehabilitation, Divisionwide	(457,000)
Division Headquarters, HVAC	(348,000)
Forensic Laboratory Equipment	(318,000)
Hope Station Purchase	(974,000)
Keyport Sewer	(90,000)
Replace Monmouth Beach Marine	
Police Station	(904,000)
New Southern Regional	
Headquarters, Hammonton	(4,000,000)
Roads, Approaches, Parking	(456,000)
Roof Replacement, Various Facilities .	(385,000)
South Regional Lab Plumbing Replacement	(64,000)
Total Appropriation, Law Enforcement	<u>\$9,124,000</u>
Total Appropriation, Department of Law and Public Safety	<u>\$47,894,000</u>

The unexpended balance as of June 30, 1994 in this department is appropriated.

67 DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS

*10 Public Safety and Criminal Justice**14 Military Services*

Capital Projects:

Central Operations	
Fire and Life Safety, Statewide	(\$2,577,000)
Renovations and Improvements, Statewide	(1,100,000)
Total Appropriation, Military Services	<u>\$3,677,000</u>

*80 Special Government Services**83 Services To Veterans**3610 Veterans' Program Support*

Capital Projects:

Covered Storage Building, Brig.	
Gen. Doyle Veterans' Cemetery	(\$92,000)
Fire Protection and Alarm System,	
Vineland Soldiers Home	(949,000)
Well and Pump Installation, Brig.	
Gen. Doyle Veterans' Cemetery	(69,000)
Total Appropriation, Veterans' Program Support	<u>\$1,110,000</u>

3630 Menlo Park Veterans' Memorial Home

Capital Project:

Design/Construction new nursing home facility	(\$13,700,000)	
Total Appropriation, Menlo Park Veterans' Memorial Home		<u>\$13,700,000</u>
Total Appropriation, Department of Military and Veterans' Affairs.....		<u>\$18,487,000</u>

The unexpended balance as of June 30, 1994 in this department is appropriated.

74 DEPARTMENT OF STATE

*30 Educational, Cultural and Intellectual Development**37 Cultural and Intellectual Development Services*

Capital Projects:

Morven Renovations	(\$330,000)	
Natural History Hall Expansion	(200,000)	
Total Appropriation, Department of State		<u>\$530,000</u>

The unexpended balance as of June 30, 1994 in this department is appropriated.

78 DEPARTMENT OF TRANSPORTATION

*60 Transportation Programs**61 State Highway Facilities*

Capital Project:

Transportation Trust Fund Account	(\$213,395,000)	
Total Appropriation, Department of Transportation		<u>\$213,395,000</u>

Receipts representing the State share from the rental or lease of property, and the unexpended balances as of June 30, 1994 of such receipts are appropriated for maintenance or improvement of transportation property, equipment and facilities.

The sum provided hereinabove for the Transportation Trust Fund Account shall first be provided from revenues received from motor fuel taxes pursuant to Article VIII, Section II, paragraph 4 of the State Constitution, and from funds received or receivable from the various transportation-oriented authorities pursuant to contracts between the authorities and the State, together with such additional sums pursuant to P.L.1984, c.73 (C.27:1B-1 et al.) and R.S.54:39-27 as amended by P.L.1987, c.460, as may be necessary to satisfy all Fiscal Year 1995 debt service, bond reserve requirements, and other fiscal obligations of the New Jersey Transportation Trust Fund Authority.

Notwithstanding any other requirements of law, the department may expend necessary sums for improvements to streets and roads providing access to State facilities within the capital city without local participation.

62 Public Transportation

Total Appropriation, Department of Transportation \$213,395,000

The unexpended balance as of June 30, 1994 in this department is appropriated.

Pursuant to the provisions of P.L.1984, c.73 (C.27:1B-1 et al.), there is appropriated the sum of \$565,000,000 from the revenues and other funds of the New Jersey Transportation Trust Fund Authority for the specific projects identified under the general program headings as follows:

<u>Route</u>	<u>Section</u>	<u>Description</u>	<u>County</u>	<u>Amount</u>
1. CONSTRUCTION - State Highway Facilities				
		Atlantic City Corridor development project, partial funding	Atlantic	(\$1,000,000)
		North Avenue Bridge over NJ Turnpike, widening	Union	(3,000,000)
		Palisades Interstate Park, bicycle/pedestrian path	Bergen	(175,000)
9	12D	Intersection improvements at Bethel Road and Ocean Heights Boulevard	Atlantic	(1,170,000)
9	GSP Int.	Improvements at Garden State Parkway interchange 83	Ocean	(2,340,000)
166	83			
28	4D5D6C	Pond Avenue to Jackson Avenue, reconstruction	Middlesex	(5,500,000)
29F		Willow Street ramps, circulation improvements	Mercer	(1,000,000)
31	8N	North of County Route 513 to south of Musconetcong River, resurfacing	Hunterdon	(4,815,000)
72	5A	Intersection improvements at Bay Avenue	Ocean	(830,000)
		Betterments	Various	(12,000,000)
		Bridge deck patching	Various	(5,000,000)
		Bridge painting	Various	(7,000,000)
		Drainage rehabilitation and maintenance	Various	(3,000,000)
		Freight program	Various	(1,000,000)
		Physical plant	Various	(16,000,000)

		Regional action program	Various	(1,000,000)
		Rail - highway grade crossing program	Various	(3,000,000)
		Resurfacing program	Various	(41,025,000)
		Traffic signal replacement	Various	(3,000,000)
		Underground exploration for utility facilities	Various	(150,000)
		Vacant building demolition and asbestos removal	Various	(1,000,000)
2. DESIGN/ENGINEERING - State Highway Facilities				
1		Henderson Road to South Brunswick/North Brunswick Line, drainage improvements	Middlesex	(156,000)
22	(16)	Intersection improvements at Rock and West End Avenues	Somerset	(1,080,000)
22	(17)	Intersection improvements at Washington Avenue	Somerset	(1,035,000)
23		West Belt Roadway, safety and operational improvements	Passaic	(600,000)
27		Metropark area interim intersection improvements	Middlesex	(150,000)
31	6B7E	Stanton Station Road to Payne Road, widening	Hunterdon	(875,000)
38		Intersection improvements at Smithville Road	Burlington	(96,000)
40		Intersection improvements at Routes 40/50 and Mill Street; and County Route 559 and Mill Street	Atlantic	(600,000)
50				
46		Intersection improvements at Union Boulevard	Passaic	(600,000)
46		Intersection improvements at Van Houten Avenue and Grove Street	Passaic	(1,286,000)
130	(19)	Intersection improvements at Hankins Road	Mercer	(516,000)
130	(20)	Intersection improvements at County Route 571	Mercer	(276,000)
322		Interchange improvements at interchange of Routes 322 and 50	Atlantic	(1,500,000)
50				
322	(7)	Intersection improvements at County Routes 536/610/654	Gloucester	(60,000)
		Final design, regional	Various	(2,000,000)

3. RIGHT-OF-WAY - State Highway Facilities

31	6B7E	Stanton Station Road to Payne Road, widening	Hunterdon	(250,000)
		Advance acquisition of right-of- way for transportation corridors and facilities	Various	(1,080,000)

4. PROJECT DEVELOPMENT - State Highway Facilities

9	(10)	Indian Head Road to Ford Road, reconstruction	Ocean Monmouth	(100,000)
70		Route 38 to Route 73, safety and operational improvements	Burlington Camden	(100,000)
		Project development, bridge projects	Various	(1,000,000)
		Project development, preliminary engineering	Various	(5,000,000)

5. PLANNING - State Highway Facilities

		Drainage management system	Various	(500,000)
		Planning, research, and training	Various	(8,400,000)

6. STATEWIDE INVESTMENTS - State Highway Facilities

		Fifteen bridges (non-timber) over D & R Canal in Hunterdon, Mercer, Middlesex, and Somerset Counties	Various	(150,000)
		Access management	Various	(500,000)
		Adopt-A-Highway program	Various	(100,000)
		Preservation and conservation of State transportation archives	Various	(300,000)
		Unanticipated design, right-of-way, and construction expenses	Various	(18,000,000)
		Environmental investigations	Various	(4,000,000)
		Existing certificate of participation lease payments	Various	(4,700,000)
		Purchase engineering, design, and surveying equipment	Various	(4,000,000)
		Purchase vehicles to support capital and maintenance programs	Various	(10,000,000)
		Emergency response operations	Various	(1,000,000)
		Electrical and signal safety engineering program	Various	(1,000,000)
		Local aid for Centers of Place	Various	(1,000,000)
		Legal costs for right-of-way condemnation and capital project litigation work	Various	(1,260,000)

State match for federally funded programs prior to federal ISTEA legislation	Various	(2,000,000)
Noise barriers - Type II	Various	(2,000,000)
Pavement and atmospheric weather monitoring system	Various	(600,000)
Park and ride program, HOV program, ridesharing program (DOT & NJT)	Various	(2,000,000)
Small contractor training program	Various	(400,000)
Statewide long-range transportation plan	Various	(400,000)
State Police enforcement and safety services	Various	(200,000)
Settlement of earned and unbilled capital program costs	Various	(2,500,000)
Solid waste cleanup and disposal	Various	(4,000,000)
Transcom membership	Various	(375,000)
University Transportation Research Center	Various	(250,000)
New Jersey wetlands mitigation bank	Various	(1,500,000)
7. STATE AID		
State aid in lieu of federal aid funds	Various	(35,000,000)
Municipal aid	Various	(30,000,000)
Additional local aid program		
1. County aid	Various	(15,000,000)
2. Municipal aid	Various	(15,000,000)
3. Discretionary aid	Various	(5,000,000)
8. CAPITAL PROGRAM IMPLEMENTATION - State Highway Facilities		
For personal services to support current and previously authorized projects	Various	(62,500,000)
9. CONSTRUCTION - New Jersey Transit Corporation		
Bus passenger facilities	Various	(4,990,000)
Atlantic City bus maintenance facility	Atlantic	(3,670,000)
Newark City subway	Essex	(5,880,000)
Track rehabilitation	Various	(7,200,000)
Tunnel and bridge rehabilitation	Various	(10,890,000)
Signals and communication/ electric traction system	Various	(1,200,000)

Rail support facilities and equipment	Various	(6,040,000)
Montclair Connection	Morris	(7,000,000)
	Essex	
	Passaic	
Rail passenger stations and terminals	Various	(1,500,000)
Rail park and ride facilities	Various	(11,000,000)
Northeast Corridor rail equipment modification	Various	(2,100,000)
Environmental compliance	Various	(630,000)
Immediate action program	Various	(7,500,000)
Physical plant	Various	(4,850,000)
Kearny Connection	Essex	(2,200,000)
	Morris	
	Union	
10. CAPITAL ACQUISITION - New Jersey Transit Corporation		
Bus support facilities and equipment	Various	(11,650,000)
Newark City subway cars	Essex	(2,190,000)
Bombardier lease payments on existing rail coaches	Various	(9,270,000)
Locomotive overhaul	Various	(2,500,000)
Railroad associated capital maintenance	Various	(4,650,000)
Vans for paratransit bus service	Various	(3,300,000)
Private carrier capital improvement program	Various	(500,000)
Commuter rail rolling stock	Various	(10,050,000)
11. STATEWIDE INVESTMENTS - New Jersey Transit Corporation		
Building capital leases	Atlantic	(1,810,000)
	Essex	
	Hudson	
Information services	Various	(900,000)
Claims support	Various	(2,000,000)
Communications and revenue systems	Various	(8,000,000)
Miscellaneous	Various	(3,370,000)
12. PROJECT DEVELOPMENT - New Jersey Transit Corporation		
Study and development	Various	(7,170,000)
West Shore commuter rail	Bergen	(920,000)
Suburban transportation management associations	Various	(1,570,000)

13. CAPITAL PROGRAM IMPLEMENTATION - New Jersey Transit Corporation		
For personal services to support current and previously authorized projects	Various	(5,500,000)
14. CAPITALIZED MAINTENANCE - New Jersey Transit Corporation		
Bus vehicle and facility maintenance	Various	(16,100,000)
Rail maintenance-of-way, maintenance of equipment	Various	(31,900,000)

The unexpended balances as of June 30, 1994 of appropriations from the New Jersey Transportation Trust Fund Authority are appropriated.

Notwithstanding the provisions of subsection d. of section 21 of P.L.1984, c.73 (C.27:1B-21), in order to provide the department with flexibility in administering the appropriations identified, the commissioner may transfer funds among projects within the same general program heading subject to the approval of the Director of the Division of Budget and Accounting. The commissioner shall apply to the Director of the Division of Budget and Accounting for permission to transfer funds among projects within different general program headings. If the Director of the Division of Budget and Accounting shall consent thereto, he shall transmit the request to transfer funds among projects within different general program headings to the Legislative Budget and Finance Officer for his approval or disapproval and return to the Director of the Division of Budget and Accounting. The Joint Budget Oversight Committee or its successor is empowered to review all transfers submitted to the Legislative Budget and Finance Officer and may direct said Legislative Budget and Finance Officer to approve or disapprove any transfer.

Notwithstanding the provisions of section 5 of P.L.1992, c.10 (C.27:1B-21.3), sums from the Transportation Trust Fund shall be available, subject to the approval of the Director of Budget and Accounting, for work necessary for preserving or maintaining the useful life of public transportation projects, provided that the work performed is associated with the acquisition, installation and rehabilitation of components which are not included in the normal operating maintenance of equipment and facilities or replaced on a scheduled basis. The work shall ensure the useful life of the project for not less than two years and shall not include routine maintenance or inspection of equipment and facilities that is conducted on a scheduled basis.

82 DEPARTMENT OF THE TREASURY
 70 *Government Direction, Management and Control*
 74 *General Government Services*

Capital Projects:

Americans With Disabilities Act, Compliance Projects, Statewide	(\$5,000,000)	
Capital Improvements, Capitol Complex .	(3,405,000)	
Fuel Distribution Systems/Underground Storage Tank Replacements, Statewide	(4,887,000)	
Hazardous Materials Removal Projects, Statewide	(5,000,000)	
Renovations and Improvements, Justice Complex	(7,583,000)	
Total Appropriation, Department of the Treasury		<u>\$25,875,000</u>

The unexpended balance as of June 30, 1994 in this department is appropriated.

Notwithstanding the provisions of section 29 of this act, the unexpended balance not to exceed \$5,000,000 in the Municipal and County Infrastructure Program account is appropriated for the Wildwood Convention Center project and the unexpended balance not to exceed \$2,000,000 in the Municipal and County Infrastructure Program account is appropriated for the Asbury Park Convention Center project.

90 MISCELLANEOUS EXECUTIVE COMMISSIONS
 40 *Community Development and Environmental Management*
 43 *Science and Technical Programs*
 9140 *Delaware River Basin Commission*

Capital Project:

Amortization Costs of Multipurpose Dams	(\$2,000)	
Total Appropriation, Delaware River Basin Commission		<u>\$2,000</u>
Total Appropriation, Miscellaneous Executive Commissions		<u>\$2,000</u>

The unexpended balance as of June 30, 1994 in this commission is appropriated.

98 THE JUDICIARY
 10 *Public Safety and Criminal Justice*
 15 *Judicial Services*

The unexpended balance as of June 30, 1994 in the Judiciary is appropriated.

Total Appropriation, Capital Construction	<u>\$440,589,000</u>
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Funds derived from the sale of any lands and buildings or proceeds from the sale of all fill material held by a department are appropriated for demolition, acquisition of land, rehabilitation or improvement of existing facilities and construction of new facilities, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances as of June 30, 1994 in the Capital Construction accounts for all departments are appropriated.

DEBT SERVICE
20 DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

50 Economic Planning, Development and Security

51 Economic Planning and Development

99-2910 Interest on Bonds.....	\$1,827,000
99-2910 Bond Redemption.....	<u>1,250,000</u>
Total Appropriation, Department of Commerce and Economic Development.....	<u><u>\$3,077,000</u></u>

Special Purpose:

Interest:

Community Development Bonds (P.L.1981, c.486)	(\$1,827,000)
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Redemption:

Community Development Bonds (P.L.1981, c.486)	(1,250,000)
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42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

40 Community Development and Environmental Management

46 Environmental Planning and Administration

99-4800 Interest on Bonds.....	\$717,000
99-4800 Bond Redemption.....	<u>625,000</u>
Total Appropriation, Department of Environmental Protection and Energy	<u><u>\$1,342,000</u></u>

Special Purpose:

Interest:

Water Supply Bonds (P.L.1981, c.261)	(\$430,000)
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Resource Recovery and Solid Waste Disposal Facility Bonds (P.L.1985, c.330)	(287,000)
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Redemption:

Water Supply Bonds (P.L.1981, c.261)	(375,000)
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Resource Recovery and Solid Waste Disposal Facility Bonds (P.L.1985, c.330)	(250,000)
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82 DEPARTMENT OF THE TREASURY
70 Government Direction, Management and Control
76 Management and Administration

99-2000 Interest on Bonds.....	\$100,556,000
99-2000 Bond Redemption.....	<u>1,550,000</u>
Total Appropriation, Department of the Treasury	<u>\$102,106,000</u>

Special Purpose:**Interest:**

Higher Education Equipment Leasing Bonds (P.L.1993, c.136)	(\$3,000,000)
State Transportation Bonds (P.L.1968, c.126)	(138,000)
State Housing Assistance Bonds (P.L.1968, c.127)	(12,000)
Public Buildings Construction Bonds (P.L.1968, c.128)	(124,000)
Refunding Bonds (P.L.1985, c.74 as amended by P.L.1992, c.182)	(97,282,000)
Redemption:	
State Transportation Bonds (P.L.1968, c.126)	(750,000)
State Housing Assistance Bonds (P.L.1968, c.127)	(100,000)
Public Buildings Construction Bonds (P.L.1968, c.128)	(700,000)
Total Appropriation, Debt Service..	<u>\$106,525,000</u>

Such sums as may be needed for the payment of interest and/or principal due from the issuance of any bonds authorized under the several bond acts of the State are appropriated and shall first be charged to the earnings from the investments of such bond proceeds.

There are appropriated such sums as may be needed for the payment of debt service administrative costs.

Total Appropriation, General Fund.....	<u>\$10,327,115,000</u>
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PROPERTY TAX RELIEF FUND
GRANTS-IN-AID

82 DEPARTMENT OF THE TREASURY
70 Government Direction, Management and Control
75 State Subsidies and Financial Aid--Grants-In-Aid

33-2078 Homestead Rebates.....	<u>\$318,900,000</u>
Total Appropriation, State Subsidies and Financial Aid	<u>\$318,900,000</u>

Grants:

Homestead Property Tax Rebates for Homeowners and Tenants (P.L.1990, c.61)	(\$318,900,000)
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A homestead property tax rebate to be paid from the amount appropriated hereinabove during Fiscal Year 1995 for a tax year 1993 claim for a claimant who is 65 years of age or older at the close of the tax year or who is allowed to claim a personal deduction as a blind or disabled taxpayer pursuant to subsection b. of N.J.S54A:3-1, or who is a joint claimant with such an individual, shall be calculated by the Division of Taxation pursuant to the provisions of the "Homestead Property Tax Rebate Act of 1990," P.L.1990, c.61 (C.54:4-8.57 et seq.).

Notwithstanding the provisions of P.L.1990, c.61 (C.54:4-8.57 et seq.) to the contrary, if the claimant or joint claimant is not 65 years of age or older at the close of the 1993 tax year or is not allowed to claim a personal deduction as a blind or disabled taxpayer pursuant to subsection b. of N.J.S.54A:3-1, a homestead property tax rebate shall be paid from the amount appropriated hereinabove during Fiscal Year 1995 for a tax year 1993 claim only for a claimant or joint claimants with "gross income," as defined pursuant to section 2 of P.L.1990, c.61 (C.54:4-8.58) not in excess of \$40,000 for the tax year, and shall be calculated by the Division of Taxation and paid based upon a maximum rebate of \$30 for a claimant whose status is a tenant whose homestead is a unit of residential rental property and a maximum rebate of \$90 for a claimant whose status is an owner of a homestead. Such rebates shall be calculated without regard to the amount of property taxes paid, property taxes paid through rent or rent constituting property taxes paid and without regard to the amount of gross income not in excess of \$40,000 and shall be calculated subject to such proportionate reductions in and aggregations of such maximum rebate amounts as relate to the number of days as a tenant of a homestead or as an owner of a homestead during the tax year and the share of property owned or share of rent paid during the tax year.

In addition to the amount hereinabove, there are appropriated from the Property Tax Relief Fund such additional sums as may be required for payments to homeowners and tenants qualifying for homestead property tax rebates, subject to the limitations and conditions provided in this act.

Total Appropriation, Department of the Treasury	<u>\$318,900,000</u>
Total Appropriation, Grants-In-Aid	<u>\$318,900,000</u>

STATE AID		
22 DEPARTMENT OF COMMUNITY AFFAIRS		
40 Community Development and Environmental Management		
41 Community Development Management--State Aid		
04-8030 Local Government Services.....		<u>\$366,088,000</u>
Total Appropriation, Community Development Management		<u>\$366,088,000</u>
State Aid:		
Supplemental Municipal Property Tax		
Relief Act-Additional Municipal Aid..	(\$25,000,000)	
Municipal Aid Pursuant to P.L.1978,		
c.14 (C.52:27D-178 et seq.).....	(40,729,000)	
Safe and Clean Neighborhoods	(11,309,000)	
Supplemental Municipal Property Tax		
Relief Act-Formula Aid.....	(301,520,000)	
Supplemental Municipal Property Tax		
Relief Act-Discretionary Aid.....	(30,000,000)	
Supplemental Municipal Property Tax		
Relief Act-Hold Harmless Formula Aid	(12,523,000)	
Less:		
Health Insurance Premium Rebate Offset	(26,780,000)	
Savings From Pension Fund Changes.....	(28,213,000)	

Notwithstanding the provisions of any other law to the contrary, the amount appropriated for Supplemental Municipal Property Tax Relief Act - Additional Municipal Aid shall be allocated to provide a uniform percentage increase in the amount otherwise apportioned to eligible municipalities pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.) for Fiscal Year 1995.

The unexpended balance as of June 30, 1994 in the Municipal Aid account is appropriated; and further, notwithstanding the provisions of P.L.1978, c.14 (C.52:27D-178 et seq.), the Director of the Division of Local Government Services may re-allocate the unexpended balance to any municipality which is determined to be experiencing fiscal distress pursuant to the provisions of P.L.1987, c.75 (C.52:27D-118.24 et seq.), whether or not the municipality is an "eligible municipality" as defined in section 3 of P.L.1987, c.75 (C.52:27D-118.26).

The amount hereinabove for Supplemental Municipal Property Tax Relief Act - Hold Harmless Formula Aid shall be distributed to those municipalities that would receive less Supplemental Municipal Property Tax Relief Act - Formula Aid in State Fiscal Year 1995, based on P.L.1991, c.63 (C.52:27D-118.32 et seq.), than the sum of Supplemental Municipal Property Tax Relief Act - Formula Aid and Supplemental Municipal Property Tax Relief Act - Hold Harm-

less Formula Aid which they received in State Fiscal Year 1994, in amounts necessary to provide the same dollar amount of such aid received in State Fiscal Year 1994 pursuant to P.L.1993, c.155.

Notwithstanding the provisions of any other law to the contrary, distribution of Supplemental Municipal Property Tax Relief Act - Formula Aid shall use the 1990 federal decennial census as certified by the U.S. Bureau of the Census for legislative reapportionment purposes, and the "Per Capita Money Income" table for 1989, issued by the New Jersey State Data Center in the Division of Labor Market and Demographic Research of the New Jersey Department of Labor for determination of municipal population, municipal and State per capita income, and per capita aid.

Notwithstanding the provisions of any other law to the contrary, the Director of the Division of Budget and Accounting shall reduce the payment to each municipality of Supplemental Municipal Property Tax Relief - Formula Aid and Supplemental Municipal Property Tax Relief - Hold-Harmless Formula Aid by the amount the State Health Benefits Commission has determined to rebate from the accumulated surplus in the State Health Benefits Fund to each such municipality in Fiscal Year 1995, and, with respect to municipalities whose fiscal year begins July 1, 1994 and ends June 30, 1995, the amount of any savings each receives due to reduction of employers' contributions to the Public Employees Retirement System and the Police and Firemen's Retirement System.

Total Appropriation, Department of Community Affairs	<u>\$366,088,000</u>
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34 DEPARTMENT OF EDUCATION

30 Educational, Cultural and Intellectual Development

31 Direct Educational Services and Assistance--State Aid

01-5120 General Formula Aid.....	\$2,442,568,000
05-5120 Bilingual Education.....	57,386,000
06-5120 Programs For At-Risk Pupils.....	292,986,000
07-5120 Special Education.....	<u>582,500,000</u>
Total Appropriation, Direct Educational Services and Assistance	<u>\$3,375,440,000</u>

State Aid:

Foundation aid - Quality Education	
Act of 1990.....	(\$2,520,631,000)
Transition aid - Quality Education	
Act of 1990.....	(57,087,000)
Bilingual Education Aid	(57,386,000)

Aid for At-Risk Pupils	(292,986,000)
Special Education Aid.....	(582,500,000)
<i>Less:</i>	
<i>Health Insurance Premium Rebate Offset</i>	<i>(87,914,000)</i>
<i>Savings From Pension Fund Changes.....</i>	<i>(47,236,000)</i>

Notwithstanding any other law to the contrary, the Foundation Aid entitlement for each school district shall be the same as for the entitlement amount in 1993-94. Further, such additional funds as are available in the Foundation Aid account shall be distributed to the special needs districts so that each special needs district's Foundation Aid is increased by the same percentage.

Notwithstanding any other law to the contrary, for any district, the Transition Aid entitlement in 1994-95 shall be two-thirds of the entitlement amount for the district in 1993-94.

Notwithstanding any other law to the contrary, the State Aid entitlements for each school district receiving Bilingual Education Aid, Aid for Programs for At-Risk Pupils, and Special Education Aid, shall be the same as for the entitlement amount in 1993-1994.

Notwithstanding any other law to the contrary, the amount of State aid made available to the Department of Human Services pursuant to "The State Facilities Education Act of 1979," P.L.1979, c.207 (C.18A:7B-1 et al.), to defray the costs of educating eligible children in approved private schools under contract with the Department of Human Services shall not exceed the actual costs of the education of those children in such private schools.

Notwithstanding any other law to the contrary, special education aid for pupils classified as eligible for day training shall be paid directly to the resident school district; provided, however, that for pupils under contract for service in a day training facility operated by or under contract with the Department of Human Services, or for pupils not otherwise under contract as of May 1, 1994, aid shall be paid to the Department of Human Services under the provisions of P.L.1979, c.207 (C.18A:7B-1 et al.), "The State Facilities Education Act of 1979."

33 Supplemental Education and Training Programs--State Aid

20-5120 General Vocational Education	<u>\$28,722,000</u>
Total Appropriation, Supplemental Education and Training Programs	<u>\$28,722,000</u>

State Aid:

County Vocational Program Aid..... (\$28,722,000)

Notwithstanding any other law to the contrary, the entitlement for each school district receiving County Vocational Program Aid shall be the same as for the entitlement amount in 1993-94.

34 Educational Support Services--State Aid

36-5120 Pupil Transportation..... \$263,849,000

38-5120 Facilities Planning and School Building Aid 69,945,000Total Appropriation, Educational Support Services \$333,794,000

State Aid:

Transportation Aid..... (\$263,849,000)

School Building Aid (69,945,000)

Notwithstanding any other law to the contrary, for any district, the Transportation Aid entitlement shall be the same as for the entitlement amount in 1993-94.

Notwithstanding the provisions of section 16 of P.L.1990, c.52 (C.18A:7D-18) and section 2 of P.L.1981, c.57 (C.18A:39-1a.), the per-pupil amount for aid in lieu of transportation in the Transportation Aid program shall equal \$675.

Each district shall be entitled to debt service aid in the amount provided by section 18 of P.L.1990, c.52 (C.18A:7D-22) by using the district State share percentage for the 1993-1994 school year.

Total Appropriation, Department of Education \$3,737,956,000

In the event that sufficient funds are not appropriated to fully fund any State aid item, the Commissioner of Education shall apportion such appropriation among the districts in proportion to the State aid each district would have been apportioned had the full amount of State aid been appropriated.

Any appropriation or part thereof made from the Property Tax Relief Fund may be transferred and recorded as an appropriation from the General Fund, as deemed necessary by the State Treasurer, in order that the Director of the Division of Budget and Accounting may warrant the necessary payments; provided however, that the available unrestricted fund balance in the General Fund, as determined by the State Treasurer, is sufficient to support such appropriation.

For the 1994-1995 school year, each non-special needs district may increase its maximum permissible net budget from the preceding school year by the prior year's percentage increase less .75 without the loss of State aid. Any non-special

needs district which increases its net budget by more than the prior year's percentage increase less .75, absent approval obtained consistent with the procedure in subsections e. and f. of section 85 of P.L.1990, c.52 (C.18A:7D-28), shall lose State aid which is paid to or on behalf of the district equal to the amount by which the district exceeds this percentage increase.

For the 1994-1995 school year, each special needs district may increase its maximum permissible net budget from the preceding school year by 8.4 percent without the loss of State aid. Any special needs district which increases its net budget by more than 8.4 percent, absent approval obtained consistent with the procedure in subsections e. and f. of section 85 of P.L.1990, c.52 (C.18A:7D-28), shall lose State aid which is paid to or on behalf of the district equal to the amount by which the district exceeds this percentage increase.

Notwithstanding the provisions of any other law to the contrary, the Director of the Division of Budget and Accounting shall reduce the payment of State education aid to each school district by the amount the State Health Benefits Commission has determined to rebate from the accumulated surplus in the State Health Benefits Fund to each such school district in Fiscal Year 1995 and the amount of any savings each district receives due to the reduction of employers' contributions to the Public Employees Retirement System in Fiscal Year 1995. The rebate amount to each district shall be included with the district's maximum permissible net budget for the 1994-1995 school year.

82 DEPARTMENT OF THE TREASURY

70 Government Direction, Management and Control

75 State Subsidies and Financial Aid--State Aid

29-2078 Locally Provided Services	\$25,000,000
31-2082 Business Personal Property Tax Replacement	86,416,000
34-2078 Reimbursement-Senior Citizens and Veterans	<u>40,967,000</u>
Total Appropriation, State Subsidies and Financial Aid	<u>\$152,383,000</u>
State Aid:	
Aid to Densely Populated Municipalities (P.L.1990, c.85)	(\$25,000,000)
Payments to Municipalities to Replace Property Tax on Business Personalty ..	(86,416,000)
Reimbursement to Municipalities - Senior and Disabled Citizens' Property Tax Exemptions	(21,712,000)

State Reimbursement for Veterans'

Property Tax Exemptions..... (19,255,000)

Notwithstanding the provisions of P.L.1990, c.85 (C.52:27D-384 et seq.), the amount hereinabove for Aid to Densely Populated Municipalities shall be distributed to the same municipalities which received such aid in Fiscal Year 1994 pursuant to the provisions of P.L.1993, c.155, in the same proportion as such aid was received in that year.

The Director of the Division of Budget and Accounting shall reduce amounts provided to any municipality from the appropriations hereinabove by the difference, if any, between the sum of rebates from the State Health Benefits Fund accumulated surplus and pension contribution savings, and the sum of Supplemental Municipal Property Tax Relief Act - Formula Aid and Supplemental Municipal Property Tax Relief Act - Hold-Harmless Formula Aid, payable to such municipality.

In addition to the amount hereinabove, there are appropriated from the Property Tax Relief Fund such additional sums as may be required for State reimbursement to municipalities for senior/disabled citizens' and veterans' property tax exemptions.

Total Appropriation, Department of the Treasury. \$152,383,000Total Appropriation, State Aid..... \$4,474,235,000Total Appropriation, Property Tax Relief Fund \$4,793,135,000

Any appropriation or part thereof made from the Property Tax Relief Fund may be transferred and recorded as an appropriation from the General Fund, as deemed necessary by the State Treasurer, in order that the Director of the Division of Budget and Accounting may warrant the necessary payments; provided however, that the available unrestricted fund balance in the General Fund, as determined by the State Treasurer, is sufficient to support such appropriation.

CASINO CONTROL FUND

DIRECT STATE SERVICES

66 DEPARTMENT OF LAW AND PUBLIC SAFETY

*10 Public Safety and Criminal Justice**12 Law Enforcement*30-1460 Gaming Enforcement \$34,296,000Total Appropriation, Law Enforcement ... \$34,296,000

Personal Services:

Salaries and Wages (\$19,572,000)

Cash in Lieu of Maintenance	(688,000)
Employee Benefits	(5,734,000)
Materials and Supplies.....	(758,000)
Services Other Than Personal.....	(2,523,000)
Maintenance and Fixed Charges.....	(2,849,000)
Special Purpose:	
Other Special Purpose	(1,535,000)
Additions, Improvements and Equipment.....	(637,000)

In addition to the amount hereinabove for Gaming Enforcement, there are appropriated from the Casino Control Fund such additional sums as may be required for gaming enforcement, subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Law and Public Safety	<u>\$34,296,000</u>
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82 DEPARTMENT OF THE TREASURY

70 Government Direction, Management and Control

73 Financial Administration

25-2095 Administration of Casino Gambling	<u>\$23,075,000</u>
Total Appropriation, Financial Administration	<u>\$23,075,000</u>

Personal Services:

Chairman and Commissioners.....	(\$455,000)
Salaries and Wages	(14,477,000)
Employee Benefits	(4,830,000)
Materials and Supplies.....	(293,000)
Services Other Than Personal.....	(1,166,000)
Maintenance and Fixed Charges.....	(1,397,000)
Special Purpose:	
Other Special Purpose	(350,000)
Additions, Improvements and Equipment.....	(107,000)

In addition to the amount hereinabove for Administration of Casino Gambling, there are appropriated from the Casino Control Fund such additional sums as may be required for operation of the Casino Control Commission, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 53 of P.L.1977, c.110 (C.5:12-53), each member of the Casino Control Commission shall receive compensation of \$90,000 per annum. The chairman shall receive \$5,000 per annum in addition to his compensation as a member of the commission.

Total Appropriation, Department of the Treasury	<u>\$23,075,000</u>
Total Appropriation, Direct State Services-- Casino Control Fund	<u>\$57,371,000</u>
Total Appropriation, Casino Control Fund	<u>\$57,371,000</u>

CASINO REVENUE FUND
DIRECT STATE SERVICES
22 DEPARTMENT OF COMMUNITY AFFAIRS
50 Economic Planning, Development and Security
55 Social Services Programs

08-8060 Programs for the Aging		<u>\$365,000</u>
Total Appropriation, Social Services Programs		<u>\$365,000</u>
Personal Services:		
Salaries and Wages	(\$274,000)	
Employee Benefits	(80,000)	
Materials and Supplies	(5,000)	
Services Other Than Personal	(6,000)	
Total Appropriation, Department of Community Affairs		<u>\$365,000</u>

46 DEPARTMENT OF HEALTH
20 Physical and Mental Health
21 Health Services

02-4220 Family Health Services		<u>\$233,000</u>
Total Appropriation, Health Services.....		<u>\$233,000</u>
Personal Services:		
Salaries and Wages	(\$185,000)	
Employee Benefits	(29,000)	
Materials and Supplies	(5,000)	
Services Other Than Personal	(14,000)	
Total Appropriation, Department of Health		<u>\$233,000</u>

54 DEPARTMENT OF HUMAN SERVICES
20 Physical and Mental Health
24 Special Health Services

7540 Division of Medical Assistance and Health Services

21-7540 Health Services Administration and Management		\$3,336,000
24-7540 Pharmaceutical Assistance to the Aged and Disabled		<u>5,755,000</u>
Total Appropriation, Division of Medical Assistance and Health Services		<u>\$9,091,000</u>
Personal Services:		
Salaries and Wages	(\$3,568,000)	
Compensation Awards	(1,000)	
Employee Benefits	(1,178,000)	
Materials and Supplies	(104,000)	
Services Other Than Personal	(1,024,000)	
Maintenance and Fixed Charges	(836,000)	
Special Purpose:		
Payments to Fiscal Agents	(503,000)	
Eligibility Determination	(150,000)	
Payments to Fiscal Agents (PAA)	(1,400,000)	
Other Special Purpose	(135,000)	
Additions, Improvements and Equipment	(192,000)	

*30 Educational, Cultural and Intellectual Development**32 Operation and Support of Educational Institutions**7601 Community Programs*

02-7601 Social Supervision and Consultation	<u>\$34,000</u>
Total Appropriation, Community Programs	<u>\$34,000</u>
Special Purpose:	
Homemaker Services (State share).....	(\$34,000)

*50 Economic Planning, Development and Security**53 Economic Assistance and Security**7540 Division of Medical Assistance and Health Services*

28-7540 Lifeline Programs	<u>\$3,573,000</u>
Total Appropriation, Division of Medical Assistance and Health Services	<u>\$3,573,000</u>
Personal Services:	
Salaries and Wages	(\$1,890,000)
Compensation Awards	(5,000)
Employee Benefits	(623,000)
Materials and Supplies.....	(43,000)
Services Other Than Personal	(405,000)
Maintenance and Fixed Charges.....	(286,000)
Special Purpose:	
Other Special Purpose	(270,000)
Additions, Improvements and Equipment.....	(51,000)
Total Appropriation, Department of Human Services	<u>\$12,698,000</u>

66 DEPARTMENT OF LAW AND PUBLIC SAFETY*80 Special Government Services**82 Protection of Citizens' Rights*

15-1326 Operation of State Professional Boards	<u>\$92,000</u>
Total Appropriation, Protection of Citizens' Rights	<u>\$92,000</u>
Personal Services:	
Salaries and Wages	(\$23,000)
Employee Benefits	(7,000)
Materials and Supplies.....	(14,000)
Services Other Than Personal	(44,000)
Additions, Improvements and Equipment.....	(4,000)
Total Appropriation, Department of Law and Public Safety	<u>\$92,000</u>
Total Appropriation, Direct State Services-- Casino Revenue Fund	<u>\$13,388,000</u>

GRANTS - IN - AID**22 DEPARTMENT OF COMMUNITY AFFAIRS***40 Community Development and Environmental Management**41 Community Development Management--Grants-In-Aid*

12-8025 Boarding Home Regulation and Assistance	<u>\$1,600,000</u>
Total Appropriation, Community Development Management	<u>\$1,600,000</u>

Grants:

Boarding House Rental Assistance Fund (\$1,600,000)

50 Economic Planning, Development and Security

55 Social Services Programs--Grants-In-Aid

08-8060 Programs for the Aging \$6,993,000

Total Appropriation, Social Services Programs \$6,993,000

Grants:

Adult Protective Services (\$1,718,000)

Senior Citizen Housing-Safe Housing
and Transportation (2,383,000)

Congregate Housing Support Services.... (1,902,000)

Task Force Study: Housing Options for Seniors (40,000)

Home Delivered Meals Expansion..... (950,000)

Total Appropriation, Department of Community Affairs \$8,593,000

46 DEPARTMENT OF HEALTH

20 Physical and Mental Health

21 Health Services--Grants-In-Aid

02-4220 Family Health Services..... \$1,447,000

Total Appropriation, Health Services..... \$1,447,000

Grants:

Statewide Birth Defects Registry (\$500,000)

Demonstration Adult Day Care Center
Program-Alzheimer's Disease..... (947,000)

Total Appropriation, Department of Health \$1,447,000

54 DEPARTMENT OF HUMAN SERVICES

20 Physical and Mental Health

24 Special Health Services

*7540 Division of Medical Assistance and Health Services--
Grants-In-Aid*

22-7540 General Medical Services..... \$84,137,000

24-7540 Pharmaceutical Assistance to the Aged and Disabled 109,405,000

Total Appropriation, Division of Medical
Assistance and Health Services \$193,542,000

Grants:

Community Care Programs for Elderly
and Disabled..... (\$55,029,000)

Respite Care for the Elderly..... (4,000,000)

Long Term Care Alternatives..... (748,000)

Medicaid Expansion - SOBRA (16,000,000)

Home Care Expansion (8,000,000)

Hearing Aid Assistance for the
Aged and Disabled (360,000)

Pharmaceutical Assistance to the Aged and
Disabled - Claims P.L.1975, c.194
(C.30:4D-20 et seq.)..... (109,405,000)

In addition to the amount hereinabove, there are appropriated from the Casino Revenue Fund and available federal matching funds such additional sums as may be required for the payment of claims, subject to the approval of the Director of the Division of Budget and Accounting.

All funds recovered under P.L.1968, c.413 (C.30:4D-1 et seq.) and P.L.1975, c.194 (C.30:4D-20 et seq.) during the fiscal year ending June 30, 1995, are appropriated for payments to providers in the same program class from which the recovery originated.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred to and from the various items of appropriation within the General Medical Services program classification, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer. This provision shall apply to all payments made after June 30, 1990.

For the purposes of account balance maintenance all object accounts in the General Medical Services program classification shall be considered as one object. This will allow timely payment of claims to providers of medical services but ensure that no overspending will occur in the program classification. This provision shall apply to all payments made after June 30, 1990.

An amount not to exceed \$1,500,000 is appropriated to the Department of Human Services, Division of Medical Assistance and Health Services from the unexpended balances of monies deposited in the "Health Care Cost Reduction Fund" established pursuant to section 25 of P.L.1991, c.187 (C.26:2H-18.47) or from the "Health Care Subsidy Fund" established pursuant to section 8 of P.L.1992, c.160 (C.26:2H-18.58) to expand the Community Care Program for the Elderly and Disabled.

Benefits provided under the "Pharmaceutical Assistance to the Aged and Disabled" (PAAD) Program, P.L.1975, c.194 (C.30:4D-20 et seq.), shall be the last resource benefits, notwithstanding any provision contained in contracts, wills, agreements or other instruments. Any provision in a contract of insurance, will, trust agreement or other instrument which reduces or excludes coverage or payment to an individual because of that individual's eligibility for or receipt of

PAAD benefits shall be void, and no PAAD payments shall be made as a result of any such provision.

Notwithstanding the provisions of section 3 of P.L.1975, c.194 (C.30:4D-22) to the contrary, the copayment in the "Pharmaceutical Assistance to the Aged and Disabled" program shall be \$5.00. This copayment is effective on all prescriptions on or after July 1, 1992.

Notwithstanding the provisions of any law to the contrary, rebates from pharmaceutical manufacturing companies for prescriptions purchased by the "Pharmaceutical Assistance to the Aged and Disabled" program shall continue throughout Fiscal Year 1995. All revenues from such rebates during the fiscal year ending June 30, 1995 shall be appropriated for the cost of the "Pharmaceutical Assistance to the Aged and Disabled" program.

Notwithstanding the annual income limit amounts in section 2 of P.L.1975, c.194 (C.30:4D-21), effective January 1, 1993, a resident of this State who is either a recipient of disability insurance benefits under Title II of the federal Social Security Act (42 U.S.C. §401 et seq.) or 65 years of age or over and whose annual income is less than \$16,171 if single, or if married, whose annual income combined with that of the resident's spouse is less than \$19,828, shall be eligible for "Pharmaceutical Assistance to the Aged and Disabled" if the resident is not otherwise qualified for assistance under P.L.1968, c.413 (C.30:4D-1 et seq.).

Notwithstanding the provisions of any other law to the contrary, no amount of the appropriation hereinabove for Pharmaceutical Assistance to the Aged and Disabled - Claims P.L.1975, c.194 (C.30:4D-20 et seq.) shall be expended for payment to a pharmacy unless, at the time of the prescription drug purchase for which the claim is submitted, the label on the prescription drug prominently displayed the usual over-the-counter price charged to other persons in the community by the pharmacy.

30 Educational, Cultural and Intellectual Development

32 Operation and Support of Educational Institutions

7601 Community Programs--Grants-In-Aid

01-7601 Purchased Residential Care	\$14,905,000
02-7601 Social Supervision and Consultation	1,657,000
03-7601 Adult Activities	7,374,000
04-7601 Education and Day Training	<u>551,000</u>
Total Appropriation, Community Programs	<u>\$24,487,000</u>

Grants:

Private Institutional Care	(\$1,311,000)
Skill Development Homes	(1,141,000)
Group Homes	(12,325,000)
Family Care.....	(128,000)
Home Assistance.....	(1,657,000)
Purchase of Adult Activity Services	(7,374,000)
Purchase of Day Training Services	(551,000)

Group home maintenance recoveries during the fiscal year ending June 30, 1995, not to exceed \$3,500,000, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Skill development homes recoveries during the fiscal year ending June 30, 1995, not to exceed \$12,000,000, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Amounts required to return persons with mental retardation or developmental disabilities presently residing in out-of-State institutions to group homes within the State may be transferred from the Private Institutional Care account to the Group Homes account, subject to the approval of the Director of the Division of Budget and Accounting.

50 Economic Planning, Development and Security

53 Economic Assistance and Security

*7540 Division of Medical Assistance and Health Services--
Grants-In-Aid*

28-7540 Lifeline Programs	<u>\$37,492,000</u>
Total Appropriation, Division of Medical Assistance and Health Services	<u>\$37,492,000</u>

Grants:

Payments for Lifeline Credits	(\$37,492,000)
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In addition to the amount hereinabove, there is appropriated from the Casino Revenue Fund such additional funds as may be required for payments to persons qualifying for Lifeline Programs.

55 Social Services Programs

7570 Division of Youth and Family Services--Grants-In-Aid

18-7570 General Social Services	<u>\$3,537,000</u>
Total Appropriation, Division of Youth and Family Services	<u>\$3,537,000</u>
Grants:	
Personal Attendant Program.....	(\$3,537,000)
Total Appropriation, Department of Human Services	<u>\$248,058,000</u>

62 DEPARTMENT OF LABOR

*50 Economic Planning, Development and Security**54 Manpower and Employment Services--Grants-In-Aid*

07-4535 Vocational Rehabilitation Services.....	<u>\$1,740,000</u>
Total Appropriation, Manpower and Employment Services	<u>\$1,740,000</u>
Grants:	
Sheltered Workshop Transportation..... (\$1,740,000)	
Total Appropriation, Department of Labor	<u>\$1,740,000</u>
Total Appropriation, Grants-In-Aid-- Casino Revenue Fund	<u>\$259,838,000</u>

STATE AID

78 DEPARTMENT OF TRANSPORTATION

*60 Transportation Programs**62 Public Transportation--State Aid*

04-6050 Railroad and Bus Operations	<u>\$19,488,000</u>
Total Appropriation, Public Transportation	<u>\$19,488,000</u>
State Aid:	
Transportation Assistance for Senior Citizens and Disabled Residents	(\$19,488,000)
The unexpended balance as of June 30, 1994 in this account is ap- propriated.	
Total Appropriation, Department of Transportation	<u>\$19,488,000</u>

82 DEPARTMENT OF THE TREASURY

*70 Government Direction, Management and Control**75 State Subsidies and Financial Aid--State Aid*

34-2078 Reimbursement--Senior Citizens and Veterans	<u>\$17,180,000</u>
Total Appropriation, State Subsidies and Financial Aid	<u>\$17,180,000</u>
State Aid:	
Reimbursements to Municipalities - Senior and Disabled Citizens' Property Tax Exemptions	(\$17,180,000)
In addition to the amount hereinabove, there are appropriated from the Casino Revenue Fund such additional sums as may be required for reimbursements to municipalities qualifying for such payments or reimbursements.	
Total Appropriation, Department of the Treasury	<u>\$17,180,000</u>
Total Appropriation, State Aid--Casino Revenue Fund	<u>\$36,668,000</u>
Total Appropriation, Casino Revenue Fund	<u>\$309,894,000</u>

Any appropriation or part thereof made from the Casino Revenue Fund may be transferred and recorded as an appropriation from the General Fund, as deemed necessary by the State

Treasurer, in order that the Director of the Division of Budget and Accounting may warrant the necessary payments; provided however, that the available unrestricted fund balance in the General Fund, as determined by the State Treasurer, is sufficient to support such appropriation.

GUBERNATORIAL ELECTIONS FUND
66 DEPARTMENT OF LAW AND PUBLIC SAFETY
10 Public Safety and Criminal Justice
13 Special Law Enforcement Activities

There are appropriated from the Gubernatorial Elections Fund such sums as may be required for payments to persons qualifying for additional public funds; provided however, that should the amount available in the Gubernatorial Elections Fund be insufficient to support such an appropriation, there are appropriated from the General Fund to the Gubernatorial Elections Fund such sums as may be required.

Grand Total Appropriation, All State Funds \$15,280,707,000

FEDERAL FUNDS
10 DEPARTMENT OF AGRICULTURE
40 Community Development and Environmental Management
42 Natural Resource Management

01-3310 Animal Disease Control.....	\$18,000
02-3320 Plant Pest and Disease Control.....	<u>145,000</u>
Total Appropriation, Natural Resource Management	<u>\$163,000</u>
Personal Services:	
Salaries and Wages	(\$88,000)
Employee Benefits	(20,000)
Materials and Supplies	(2,000)
Services Other Than Personal	(6,000)
Maintenance and Fixed Charges	(7,000)
Special Purpose:	
Cooperative Gypsy Moth Suppression....	(20,000)
Other Special Purpose.....	(20,000)

50 Economic Planning, Development and Security
51 Economic Planning and Development

06-3360 Marketing Services	\$8,000
07-3360 Commodity Distribution.....	<u>1,010,000</u>
Total Appropriation, Economic Planning and Development	<u>\$1,018,000</u>
Personal Services:	
Salaries and Wages	(\$215,000)
Employee Benefits	(71,000)
Materials and Supplies.....	(9,000)

Services Other Than Personal	(4,000)
Maintenance and Fixed Charges	(116,000)
Special Purpose:	
Jobs Bill	(4,000)
State Aid:	
Jobs Bill	(599,000)

52 Economic Regulation

05-3350 Other Commodity Regulation	<u>\$139,000</u>
Total Appropriation, Economic Regulation	<u>\$139,000</u>
Personal Services:	
Salaries and Wages	(\$81,000)
Employee Benefits	(35,000)
Services Other Than Personal	(16,000)
Maintenance and Fixed Charges	(7,000)
Total Appropriation, Department of Agriculture	<u>\$1,320,000</u>

20 DEPARTMENT OF COMMERCE AND
ECONOMIC DEVELOPMENT

*30 Educational, Cultural and Intellectual Development**37 Cultural and Intellectual Development Services*

10-2920 Public Broadcasting Services	<u>\$120,000</u>
Total Appropriation, Cultural and Intellectual Development Services	<u>\$120,000</u>
Special Purpose:	
Public Broadcasting Services	(\$120,000)

*50 Economic Planning, Development and Security**51 Economic Planning and Development*

20-2800 Economic Development	<u>\$1,000,000</u>
Total Appropriation, Economic Planning and Development	<u>\$1,000,000</u>
Special Purpose:	
Strategic Economic Assistance to Fisheries Program	(\$1,000,000)
Total Appropriation, Department of Commerce and Economic Development	<u>\$1,120,000</u>

22 DEPARTMENT OF COMMUNITY AFFAIRS

*40 Community Development and Environmental Management**41 Community Development Management*

02-8020 Housing Services	<u>\$146,381,000</u>
Total Appropriation, Community Development Management	<u>\$146,381,000</u>
Personal Services:	
Salaries and Wages	(\$9,426,000)
Employee Benefits	(3,017,000)
Materials and Supplies	(374,000)
Services Other Than Personal	(1,757,000)
Maintenance and Fixed Charges	(729,000)
Special Purpose:	
Transitional Housing - Homeless	(200,000)

Other Special Purpose	(1,207,000)
State Aid and Grants:	
Emergency Shelter Grants Program	(1,500,000)
Lead Based Paint Abatement In Low and Moderate Income Housing	(3,080,000)
Moderate Rehabilitation Housing Assistance	(9,144,000)
National Affordable Housing - HOME Investment Partnerships	(9,940,000)
Permanent Housing for the Handicapped Homeless	(3,000,000)
Rental Rehabilitation Assistance Program	(1,363,000)
Section 8 Existing Housing Rental Assistance	(56,692,000)
Section 8 Housing Voucher Program	(29,165,000)
Small Cities Block Grant Program	(10,066,000)
Supplemental Assistance for Facilities to Assist the Homeless	(650,000)
Transitional Housing - Homeless	(2,000,000)
Housing Opportunities For People Everywhere (HOPE)	(500,000)
HOPE For Elderly Independence Demonstration Program	(1,000,000)
HOPE 3 Implementation Grant	(1,500,000)
Additions, Improvements and Equipment	(71,000)

50 Economic Planning, Development and Security

55 Social Services Programs

05-8050 Community Resources	\$22,108,000
08-8060 Programs for the Aging	35,687,000
14-8061 Ombudsman's Office	550,000
15-8051 Women's Programs	<u>43,000</u>
Total Appropriation, Social Service Programs	<u>\$58,388,000</u>
Personal Services:	
Salaries and Wages	(\$5,666,000)
Employee Benefits	(1,047,000)
Materials and Supplies	(48,000)
Services Other Than Personal	(237,000)
Maintenance and Fixed Charges	(31,000)
Special Purpose:	
Low Income Energy Assistance Program	
Training and Technical Assistance	(12,000)
Older Americans' Act Title III	(17,000)
Ombudsman for the Institutionalized Elderly	(250,000)
Other Special Purpose	(255,000)
State Aid and Grants:	
Community Food and Nutrition Program	(87,000)
Community Services Block Grant - HHS	(10,091,000)
Emergency Homeless Program	(527,000)
Frail Elderly Tenants	(100,000)
Home Energy Assistance Program	(3,246,000)

Purchase of Legal Services	(1,382,000)	
USDA Older Americans' Act Title III....	(4,375,000)	
Older Americans' Act Title III.....	(25,655,000)	
Older Americans' Act Title III.....	(259,000)	
Older Americans' Act Title VII	(280,000)	
Project Care - National Eldercare Program	(110,000)	
Counseling on Health Insurance for		
Medicare Enrollees.....	(189,000)	
Child Development Associate		
Scholarship Assistance Grant	(43,000)	
Weatherization Assistance Program.....	(4,455,000)	
Additions, Improvements and Equipment	(26,000)	
Total Appropriation, Department of Community Affairs		<u>\$204,769,000</u>

26 DEPARTMENT OF CORRECTIONS

10 Public Safety and Criminal Justice

16 Detention and Rehabilitation

7080 Edna Mahan Correctional Facility For Women

10-7080 Education Program		<u>\$56,000</u>
Total Appropriation, Edna Mahan Correctional Facility For Women		<u>\$56,000</u>
Personal Services:		
Salaries and Wages	(\$56,000)	

7110 Garden State Reception and Youth Correctional Facility

10-7110 Education Program		<u>\$75,000</u>
Total Appropriation, Garden State Reception		
and Youth Correctional Facility		<u>\$75,000</u>
Personal Services:		
Salaries and Wages	(\$51,000)	
Employee Benefits	(15,000)	
Special Purpose:		
Other Special Purpose.....	(9,000)	

7130 Mountainview Youth Correctional Facility

10-7130 Education Program		<u>\$83,000</u>
Total Appropriation, Mountainview Youth Correctional Facility		<u>\$83,000</u>
Personal Services:		
Salaries and Wages	(\$51,000)	
Employee Benefits	(18,000)	
Materials and Supplies	(14,000)	

18 Juvenile Correctional Services

7220 New Jersey Training School For Boys

10-7220 Education Program		<u>\$406,000</u>
Total Appropriation, New Jersey Training School For Boys		<u>\$406,000</u>
Personal Services:		
Salaries and Wages	(\$234,000)	
Employee Benefits	(72,000)	
Materials and Supplies	(100,000)	

7225 Juvenile Medium Security Center

10-7225 Education Program		<u>\$268,000</u>
Total Appropriation, Juvenile Medium Security Center		<u>\$268,000</u>
Personal Services:		
Salaries and Wages	(\$181,000)	
Special Purpose:		
Other Special Purpose	(86,000)	
Additions, Improvements and Equipment.....	(1,000)	

*19 Central Planning, Direction and Management**7000 Division of Management and General Support*

01-7000 Planning, Management and General Support		\$228,000
02-7000 Program Operations Support		<u>977,000</u>
Total Appropriation, Division of Management and General Support		<u>\$1,205,000</u>
Personal Services:		
Salaries and Wages	(\$837,000)	
Materials and Supplies.....	(20,000)	
Special Purpose:		
Adult Basic Education Grant.....	(163,000)	
Other Special Purpose	(1,000)	
Additions, Improvements and Equipment.....	(184,000)	
Total Appropriation, Department of Corrections		<u>\$2,093,000</u>

34 DEPARTMENT OF EDUCATION

*30 Educational, Cultural and Intellectual Development**31 Direct Educational Services and Assistance*

03-5120 Miscellaneous Grants-In-Aid.....		\$8,381,000
04-5062 Adult and Continuing Education		8,318,000
05-5063 Bilingual Education		352,000
05-5120 Bilingual Education		1,134,000
06-5063 Programs For At-Risk Pupils		3,822,000
06-5120 Programs For At-Risk Pupils		165,115,000
07-5065 Special Education		<u>141,208,000</u>
Total Appropriation, Direct Educational Services and Assistance.....		<u>\$328,330,000</u>
Personal Services:		
Salaries and Wages	(\$7,180,000)	
Employee Benefits	(2,381,000)	
Materials and Supplies.....	(831,000)	
Services Other Than Personal.....	(2,264,000)	
Maintenance and Fixed Charges.....	(804,000)	
Special Purpose:		
Comprehensive System of Personnel Development	(15,000)	
Adult Basic Education-Administration ...	(100,000)	
Even Start Family Literacy Grant	(39,000)	
ESSIA Chapter 1 - Handicapped Administration	(40,000)	
IDEA Part B - Handicapped Administration	(236,000)	

Migrant Educational Program- Administration	(60,000)
Preschool Regional T.A. Project LRC North	(186,000)
Preschool Regional T.A. Project LRC Central	(163,000)
Preschool Regional T.A. Project LRC South	(56,000)
IDEA Part B - LRC Central	(447,000)
IDEA Part B - LRC North.....	(414,000)
IDEA Part B - LRC North Satellite.....	(304,000)
IDEA Part B - LRC South.....	(70,000)
Preschool Incentive Grant-Administration	(62,000)
Preschool Incentive Grant-Child Find....	(84,000)
Short Term Training - Administration	(1,000)
Other Special Purpose.....	(977,000)
State Aid and Grants:	
ESSIA, Chapter 2 - Grant Programmatic	(8,381,000)
ESSIA, Chapter 1 - LEA, Disadvantaged	(155,100,000)
ESSIA, Chapter 1 - State Program	
Improvement Grants.....	(1,291,000)
Adult Basic Education-Administration ...	(4,915,000)
Adult Education - 353 Program Discretionary	(1,100,000)
Bilingual and Compensatory Education -	
Homeless Children and Youth.....	(785,000)
Emergency Immigrants' Education	
Assistance- Program.....	(1,134,000)
ESSIA, Chapter 1 - State Institu-	
tions, Handicapped	(1,825,000)
ESSIA, Chapter 1 - Capital Expenses	
for Private School Children	(5,262,000)
Even Start Family Literacy Grant	(2,950,000)
Migrant Educational Program-Administration	(1,018,000)
New Jersey Youth Corps.....	(950,000)
New Jersey Partnership for Transition....	(436,000)
Preschool Incentive Grant-Administration	(2,074,000)
Preschool Incentive Grant Programmatic	(16,575,000)
Preschool Regional T.A. Project LRC South	(313,000)
State Legislation Impact Assistance Grant	(237,000)
IDEA Part B - Handicapped, Administration	(3,488,000)
IDEA Part B - Handicapped, Programmatic	(103,346,000)
Additions, Improvements and Equipment	(436,000)

32 Operation and Support of Educational Institutions

12-5011 Marie H. Katzenbach School for the Deaf	<u>\$1,043,000</u>
Total Appropriation, Operation and	
Support of Educational Institutions	<u>\$1,043,000</u>
Personal Services:	
Salaries and Wages	(\$469,000)
Employee Benefits	(157,000)
Materials and Supplies	(46,000)
Services Other Than Personal.....	(33,000)
Special Purpose:	
Maintenance and Fixed Charges	(2,000)
Driver Analyzer Project	(34,000)

Drug-Free Schools and Communities - Programmatic	(11,000)
Regional Conference for Deaf/Hard of Hearing.....	(46,000)
Other Special Purpose	(229,000)
Additions, Improvements and Equipment.....	(16,000)

33 Supplemental Education and Training Programs

20-5062 General Vocational Education	<u>\$52,191,000</u>
Total Appropriation, Supplemental Education and Training Programs	<u>\$52,191,000</u>
Personal Services:	
Salaries and Wages	(\$2,420,000)
Employee Benefits	(802,000)
Materials and Supplies.....	(171,000)
Services Other Than Personal.....	(475,000)
Maintenance and Fixed Charges	(116,000)
Special Purpose:	
Project CLEEN	(2,000)
Veterans' Readjustment Benefits	(105,000)
Career Education--Research and Development Project Grant	(53,000)
Leadership-Consumer and Homemaking Education.....	(7,000)
National and Community Service	(624,000)
School to Work Opportunities.....	(567,000)
Vocational Education - Title IIB Leadership Activities.....	(197,000)
Vocational Education - Basic Grants Administration.....	(16,000)
Vocational Student Organization Administration.....	(32,000)
Vocational Education Technical Preparation Title III-E	(62,000)
Other Special Purpose	(267,000)
State Aid and Grants:	
Consumer and Useful Homemaking- Discretionary	(950,000)
National and Community Service	(11,857,000)
School to Work Opportunities.....	(10,773,000)
Vocational Education - Secondary Programmatic	(11,500,000)
Vocational Education - Post Secondary & Adult - Programmatic	(5,260,000)
Vocational Education - Community Based Organizations - Administration.	(330,000)
Vocational Education - Single Parent Title II, A - Discretionary.....	(1,865,000)
Vocational Education - Sex Bias, Title II, A	(1,050,000)

Vocational Education Technical	
Preparation Title III-E	(2,594,000)
Additions, Improvements and Equipment	(96,000)

34 Educational Support Services

30-5063 Educational Programs and Student Services	\$37,758,000
30-5120 Educational Programs and Student Services	14,450,000
33-5067 Service to Local Districts	1,281,000
33-5091 Service to Local Districts	2,732,000
34-5067 Equal Educational Opportunity	753,000
37-5120 School Nutrition	140,639,000
38-5120 Facilities Planning and School Building Aid	<u>800,000</u>
Total Appropriation, Educational Support Services	<u>\$198,413,000</u>

Personal Services:

Salaries and Wages	(\$6,224,000)
Employee Benefits	(2,061,000)
Materials and Supplies	(365,000)
Services Other Than Personal	(1,705,000)
Maintenance and Fixed Charges	(27,000)

Special Purpose:

AIDS Prevention Education-Administration	(5,000)
ESSIA Chapter 2 - Administration	(8,000)
Child Nutrition Programs - Administration	(398,000)
Drug-Free Schools and Communities -	
Administration	(85,000)
Drug-Free Schools and Communities -	
Discretionary	(124,000)
Drug-Free Schools and Communities -	
Governor's Portion - Program Expenses	(6,000)
Education for Economic Security Act	
(EESA)-Title II-Administration	(74,000)
Goals 2000	(5,880,000)
Removal of Architectural Barriers -	
Programmatic	(800,000)
Adult Basic Education - Evaluation	
and Training	(696,000)
Civil rights - Technical Assistance and Training	(5,000)
Other Special Purpose	(687,000)

State Aid and Grants:

AIDS Prevention Education-Administration	(100,000)
Good Starts	(2,600,000)
Goals 2000	(14,420,000)
Statewide Systemic Initiative	(3,000,000)
ESSIA, Chapter 2 - Federal, State, Local	
Partnership for Educational Improvement	(1,265,000)
Building Resistance Skills - Discretionary	(568,000)
Education for Economic Security Act	
(EESA)-Title II-Programmatic	(6,200,000)
EESA Title 2-Math Science Training	(125,000)
Drug-Free Schools and Communities -	
Governor's Portion	(4,443,000)

Drug-Free Schools and Communities - Programmatic	(8,250,000)
Mathematics Curriculum Framework (Eisenhower)	(200,000)
Child Nutrition Programs.....	(91,331,000)
Special Milk.....	(1,441,000)
School Breakfast	(12,100,000)
School Breakfast -Administration.....	(110,000)
Child Care Food.....	(23,475,000)
Child Care Sponsor Administration	(1,210,000)
Cash for Commodities	(1,100,000)
Summer food	(6,600,000)
Summer Sponsor-Administration.....	(539,000)
Additions, Improvements and Equipment	(186,000)

35 Education Administration and Management

42-5120 School Finance	\$887,000
99-5010 Management and Administrative Services	<u>585,000</u>
Total Appropriation, Education Administration and Management	<u>\$1,472,000</u>
Personal Services:	
Salaries and Wages	(\$508,000)
Employee Benefits	(170,000)
Materials and Supplies	(6,000)
Services Other Than Personal.....	(19,000)
Special Purpose:	
IDEA Part B - Handicapped.....	(115,000)
Other Special Purpose.....	(52,000)
State Aid and Grants:	
Byrd Scholarship Program	(526,000)
Christa McAuliffe Fellowship Program..	(57,000)
Additions, Improvements and Equipment	(19,000)

37 Cultural and Intellectual Development Services

51-5070 Library Services	<u>\$7,105,000</u>
Total Appropriation, Cultural and Intellectual Development Services	<u>\$7,105,000</u>
Personal Services:	
Salaries and Wages	(\$2,060,000)
Employee Benefits	(658,000)
Materials and Supplies	(58,000)
Services Other Than Personal.....	(210,000)
Maintenance and Fixed Charges.....	(15,000)
Special Purpose:	
LSCA Title I-Administration	(5,000)
LSCA Title III Interlibrary Cooperation .	(5,000)
Other Special Purpose.....	(256,000)
State Aid and Grants:	
LSCA Title III Interlibrary Cooperation .	(860,000)
LSCA Title I-Administration	(750,000)
LSCA Title II Programmatic.....	(2,150,000)
Additions, Improvements and Equipment	(78,000)
Total Appropriation, Department of Education	<u>\$588,554,000</u>

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION
40 Community Development and Environmental Management

42 Natural Resource Management

11-4870 Forest Resource Management.....	\$2,130,000
12-4875 Parks Management	7,885,000
13-4880 Hunters' and Anglers' License Fund	9,410,000
14-4885 Shellfish and Marine Fisheries Management	6,016,000
21-4895 Natural Resources Engineering	<u>150,000</u>
Total Appropriation, Natural Resource Management	<u>\$25,591,000</u>
Personal Services:	
Salaries and Wages	(\$3,231,000)
Employee Benefits	(730,000)
Materials and Supplies	(612,000)
Services Other Than Personal	(1,003,000)
Maintenance and Fixed Charges	(108,000)
Special Purpose:	
Forest Resource Management - Coop-	
erative Forest Fire Control	(160,000)
Forest Legacy	(10,000)
Consolidated Forest Management	(150,000)
Conservation Education	(9,000)
Incentives Program	(2,000)
Stewardship Program	(54,000)
NY/NJ Harbor Estuary - Perm. Lib./Trav. Exhib	(5,000)
Survey and Planning - Operational /	
State Administration	(725,000)
Endangered Plant Species Supplemental Funding	(35,000)
Hunters' and Anglers' License Fund	(310,000)
Hunter Safety Training	(47,000)
Endangered Species E-1-6	(41,000)
Fish Culture and Stocking Project	(350,000)
Aquatic Recreational Resource Awareness	(150,000)
Development of a Computerized Fish &	
Wildlife Information System	(50,000)
Maurice River II	(1,200,000)
Landscape Model For Rare Species Protection	(50,000)
Wild Turkey Research	(50,000)
Partnership for Wildlife	(50,000)
Inventory of NJ Surf Clam Resources	(15,000)
Atlantic Sturgeon Investment and Management	(2,000)
Marine Fisheries Investigation and Management	(486,000)
Stock Assessment of New Jersey	
Offshore Fisheries	(82,000)
Marine Fisheries Field Office Improvements	(1,000)
Striped Bass Investigation Tagging	(46,000)
Artificial Reef Program	(13,000)
Commercial Fisheries Statistics	(40,000)
Other Special Purpose	(926,000)

State Aid and Grants:

Small Business Administration -	
Tree planting	(600,000)
Rural Community Fire Protection	(36,000)
Survey and Planning - Operational /	
State Administration.....	(101,000)
Historic Preservation - Acquisition	
and Development.....	(900,000)
Clean Vessels	(3,500,000)
Additions, Improvements and Equipment.....	(9,711,000)

43 Science and Technical Programs

01-4820 Radiation Protection	\$1,324,000
02-4801 Air Pollution Control	2,605,000
04-4835 Pesticide Control	486,000
05-4840 Water Supply and Watershed Management	13,500,000
09-4860 Public Wastewater Facilities.....	167,800,000
17-4900 Solid Waste Resource Management	895,000
18-4810 Science and Research	2,110,000
22-4861 Water Quality Management.....	300,000
56-4801 Energy Resource Management	<u>1,415,000</u>
Total Appropriation, Science and Technical Programs	<u>\$190,435,000</u>

Personal Services:

Salaries and Wages	(\$6,741,000)
Employee Benefits	(1,744,000)
Materials and Supplies.....	(194,000)
Services Other Than Personal.....	(1,717,000)
Maintenance and Fixed Charges.....	(11,000)

Special Purpose:

Health Care Financing - Screening	
Mammography Services - DEPE/DOH	(70,000)
NESHAPS - Radionuclides	(50,000)
Air Pollution Maintenance Program.....	(412,000)
Water Supply and Watershed	
Management - Control.....	(10,800,000)
Safe Drinking Water Act.....	(53,000)
Clean Streets/Clean Beaches -	
Educational Package Reprint.....	(20,000)
Delaware Bay Estuary Program	(30,000)
NY/NJ Harbor Estuary Program	(340,000)
Communication of Fish Advisories.....	(20,000)
Coastal Oceans Program	(250,000)
Coastal Mapping	(100,000)
Biodiversity Project	(200,000)
National Geologic Mapping Program.....	(153,000)
Heating Oil and Propane	(7,000)
State Energy Conservation Program	(400,000)
Institutional Conservation Programs -	
Schools and Hospitals.....	(200,000)
Other Special Purpose	(2,318,000)

State Aid and Grants:	
Clean Water State Revolving Fund	(79,000,000)
Construction Loan Revolving Fund	(85,000,000)
Construction Grants Program -	
Water Quality Sub-Grant.....	(21,000)
Additions, Improvements and Equipment	(584,000)

44 Site Remediation

19-4815 Publicly-Funded Site Remediation .	\$100,000,000
23-4815 Hazardous Waste Management	360,000
27-4815 Responsible Party Site Remediation	<u>7,300,000</u>
Total Appropriation, Site Remediation	<u>\$107,660,000</u>
Personal Services:	
Salaries and Wages	(\$2,824,000)
Employee Benefits	(889,000)
Materials and Supplies	(53,000)
Services Other Than Personal.....	(47,948,000)
Maintenance and Fixed Charges.....	(55,000)
Special Purpose:	
Super Fund Grants	(51,889,000)
Air Quality and Motor Vehicles.....	(945,000)
Underground Storage Tanks	(1,500,000)
Underground Storage Tanks	(108,000)
Other Special Purpose.....	(1,193,000)
Additions, Improvements and Equipment	(256,000)

45 Environmental Regulation

02-4892 Air Pollution Control	\$1,285,000
15-4890 Land Use Regulation	4,991,000
16-4891 Water Monitoring and Planning	6,075,000
23-4910 Hazardous Waste Management	<u>2,385,000</u>
Total Appropriation, Environmental Regulation	<u>\$14,736,000</u>
Personal Services:	
Salaries and Wages	(\$4,665,000)
Employee Benefits	(1,060,000)
Materials and Supplies	(210,000)
Services Other Than Personal.....	(1,805,000)
Maintenance and Fixed Charges.....	(16,000)
Special Purpose:	
Air Pollution Maintenance Program	(182,000)
Coastal Zone Management Implementation	(500,000)
Mullica River/Great Bay Reserve	(60,000)
State Wetlands Conservation Plan	(125,000)
Water Pollution Control	
(S106) - Ground Water Project.....	(26,000)
Monitoring and Planning	(498,000)
Non-Point Source Implementation Grant	(250,000)
NPDES Implementation Support Program	(1,000,000)
Hazardous Waste - Resource	
Conservation Recovery Act.....	(228,000)
Other Special Purpose	(1,418,000)

State Aid and Grants:

Natural Resources Infrastructure Repair .	(950,000)
Monitoring and Planning.....	(640,000)
Additions, Improvements and Equipment.....	(1,103,000)

46 Environmental Planning and Administration

99-4800 Management and Administrative Services	<u>\$100,000</u>
Total Appropriation, Environmental Planning and Administration	<u>\$100,000</u>
Special Purpose:	
GIS Estuary	(\$100,000)

47 Enforcement Policy

02-4855 Air Pollution Control	\$3,110,000
07-4850 Water Monitoring and Planning.....	4,200,000
15-4855 Land Use Regulation	444,000
23-4855 Hazardous Waste Management.....	<u>1,866,000</u>
Total Appropriation, Enforcement Policy	<u>\$9,620,000</u>
Personal Services:	
Salaries and Wages	(\$4,974,000)
Employee Benefits	(321,000)
Materials and Supplies.....	(25,000)
Services Other Than Personal	(608,000)
Maintenance and Fixed Charges	(13,000)
Special Purpose:	
Air Pollution Maintenance Program.....	(635,000)
Water Pollution Control Program.....	(848,000)
Clean Lakes Program	(1,000,000)
Hazardous Waste - Resource Conservation Recovery Act.....	(229,000)
Other Special Purpose	(428,000)
State Aid and Grants:	
Clean Lakes Program	(475,000)
Additions, Improvements and Equipment.....	(64,000)

*50 Economic Planning, Development and Security**52 Economic Regulation*

54-4927 Utility Regulation	<u>\$300,000</u>
Total Appropriation, Economic Regulation	<u>\$300,000</u>
Personal Services:	
Salaries and Wages	(\$135,000)
Employee Benefits	(44,000)
Services Other Than Personal	(7,000)
Maintenance and Fixed Charges	(56,000)
Special Purpose:	
Other Special Purpose	(58,000)
Total Appropriation, Department of Environmental Protection	<u>\$348,442,000</u>

46 DEPARTMENT OF HEALTH
 20 *Physical and Mental Health*
 21 *Health Services*

01-4215 Vital Statistics	\$523,000
02-4220 Family Health Services	149,182,000
03-4230 Epidemiology, Environmental and Occupational Health Services.....	31,547,000
04-4240 Alcoholism, Drug Abuse and Addiction Services	63,470,000
08-4280 Laboratory Services.....	533,000
12-4245 AIDS Services	<u>21,367,000</u>
Total Appropriation, Health Services.....	<u>\$266,622,000</u>
Personal Services:	
Salaries and Wages	(\$26,769,000)
Employee Benefits	(8,544,000)
Materials and Supplies	(1,706,000)
Services Other Than Personal.....	(9,289,000)
Maintenance and Fixed Charges.....	(325,000)
Special Purpose:	
Supplemental Food Program--W.I.C.....	(82,332,000)
Family Planning Program - Title X.....	(3,004,000)
Other Special Purpose.....	(6,738,000)
State Aid and Grants:	
Preventative Health and Health Services	(2,629,000)
Supplemental Food Program--W.I.C.....	(14,000,000)
Preventive Health and Health Services Block	
Grant - Family Health Services	(189,000)
Maternal and Child Health Block Grant..	(7,353,000)
Substance Abuse Block Grant.....	(435,000)
Second Chance: Centers for Drug	
Addicted Pregnant Women.....	(245,000)
Substance Abuse Block Grant.....	(38,469,000)
Prevention Disabilities	(65,000)
Essex County Healthy Start Initiative	(1,100,000)
Childhood Lead Poisoning	(933,000)
Diabetes Control Project.....	(158,000)
Housing Opportunities For Persons With AIDS	(1,540,000)
HIV/AIDS Surveillance Grant	(250,000)
AIDS Epidemiology Study of Blood Donors	(60,000)
HIV/AIDS Prevention Education Grant..	(5,006,000)
Comprehensive AIDS Resources Grant..	(6,183,000)
Comprehensive AIDS Prevention and	
Surveillance Grant.....	(55,000)
Social Services Block Grant--Family Planning	(1,911,000)
Pediatric AIDS Health Care	
Demonstration Project.....	(1,563,000)
Injury Demonstration Projects for Evaluation	
of Youth Violence Prevention	(224,000)
Early Intervention for Infants and	
Toddlers With Disabilities (Part H).....	(10,667,000)

Coordination of Home Visits to Families With Children In New Jersey	(260,000)
Pediatric Primary Care Development Initiative	(19,000)
Fetal Infant Mortality Review	(48,000)
HMO Demonstration Project.....	(2,682,000)
Early Intervention Program For Medicaid Recipients	(2,200,000)
Model TB Prevention and Control Center	(2,600,000)
Venereal Disease Project.....	(70,000)
Sexually Transmitted Disease and Control Center	(255,000)
Tuberculosis Control Program	(2,994,000)
Evaluation of STD Professional Education	(54,000)
TB/HIV Risk Factor Program	(74,000)
Lyme Disease Research	(104,000)
Health Program For Indochinese Refugees	(2,000)
Immunization Project.....	(13,000,000)
Cancer Registry Improvement Project	(50,000)
Capacity Expansion program	(409,000)
Demand and Needs Assessment For Alcohol and Drug Abusers	(67,000)
American Stop Smoking Intervention Study	(339,000)
Model Drug Program For Public Housing	(513,000)
Residential Treatment for Pregnant and Post Partum Women	(22,000)
State Prevention Needs Assessment Study	(10,000)
Newark Target Cities Project - Substance Abuse	(1,761,000)
Preventive Health and Health Services Block Grant-Alcoholism, Drug Abuse and Addiction Services.....	(245,000)
Drug Abuse Campus Treatment Demonstration Project	(5,833,000)
Social Services Block Grant-- Alcohol Rehabilitation Program	(640,000)
Additions, Improvements and Equipment.....	(629,000)

22 Health Planning and Evaluation

06-4260 Health Facilities Evaluation.....	<u>\$9,427,000</u>
Total Appropriation, Health Planning and Evaluation.....	<u>\$9,427,000</u>
Personal Services:	
Salaries and Wages	(\$5,254,000)
Employee Benefits	(1,587,000)
Materials and Supplies.....	(89,000)
Services Other Than Personal.....	(481,000)
Maintenance and Fixed Charges	(452,000)
Special Purpose:	
Other Special Purpose	(1,157,000)
State Aid and Grants:	
Trauma System Enhancement for New Jersey	(201,000)

Pediatric EMS System Development for New Jersey.....	(20,000)
Additions, Improvements and Equipment	(186,000)

25 Health Administration

99-4210 Management and Administrative Services	<u>\$300,000</u>
Total Appropriation, Health Administration	<u>\$300,000</u>
State Aid and Grants:	
Preventive Health and Health Services	
Block Grant.....	(\$300,000)
Total Appropriation, Department of Health	<u>\$276,349,000</u>

50 DEPARTMENT OF HIGHER EDUCATION

*30 Educational, Cultural and Intellectual Development**36 Higher Educational Services**5400 Higher Education Oversight*

04-5400 Student Financial Support Services	\$444,000
05-5400 Student Financial Assistance Administration	11,606,000
99-5400 Management and Administrative Services	<u>12,952,000</u>
Total Appropriation, Higher Education Oversight	<u>\$25,002,000</u>
Personal Services:	
Salaries and Wages	(\$7,102,000)
Employee Benefits	(2,289,000)
Materials and Supplies	(338,000)
Services Other Than Personal.....	(2,505,000)
Maintenance and Fixed Charges	(545,000)
Special Purpose:	
Other Special Purpose.....	(846,000)
State Aid and Grants:	
Paul Douglas Teaching Scholarship.....	(444,000)
National Community Service - Innovative Projects.....	(377,000)
National Health Service Corps - State Loan Repayment Program	(560,000)
Urban Schools Service Corps.....	(3,640,000)
Vocational Education.....	(4,506,000)
Eisenhower Mathematics and Science Education Act.....	(1,730,000)
Additions, Improvements and Equipment	(120,000)
Total Appropriation, Department of Higher Education	<u>\$25,002,000</u>

54 DEPARTMENT OF HUMAN SERVICES

*20 Physical and Mental Health**23 Mental Health Services**7700 Division of Mental Health and Hospitals*

08-7700 Community Services	<u>\$10,603,000</u>
Total Appropriation, Division of Mental Health and Hospitals	<u>\$10,603,000</u>

Personal Services:	
Salaries and Wages	(\$415,000)
State Aid and Grants:	
Projects for Assistance in Transition from Homelessness (PATH).....	(964,000)
Block Grant Mental Health Services	(9,224,000)

24 Special Health Services

7540 Division of Medical Assistance and Health Services

21-7540 Health Services Administration and Management	\$40,027,000
22-7540 General Medical Services	<u>1,961,532,000</u>
Total Appropriation, Division of Medical Assistance and Health Services	<u>\$2,001,559,000</u>
Personal Services:	
Salaries and Wages	(\$15,912,000)
Compensation Awards	(97,000)
Materials and Supplies.....	(175,000)
Services Other Than Personal	(4,240,000)
Maintenance and Fixed Charges	(2,283,000)
Special Purpose:	
Payments to Fiscal Agents	(13,774,000)
Eligibility Determination	(2,850,000)
Professional Standards Review Organization--Utilization Review	(453,000)
Affirmative Action and Equal Employment Opportunity	(18,000)
State Aid and Grants:	
Garden State Health Plan	(42,538,000)
Managed Care Initiative	(41,875,000)
Peer Grouping	(48,683,000)
Hospital Health Care Subsidy	(71,550,000)
Community Care Programs for Elderly and Disabled	(55,030,000)
Community Care Programs for Elderly and Disabled - Expansion	(1,500,000)
Long Term Care Alternatives	(748,000)
Payments For Medical Assistance Recipients -	
Nursing Homes	(510,617,000)
Inpatient Hospital	(410,517,000)
Prescription Drugs	(146,535,000)
Outpatient Hospital	(117,972,000)
Physician	(45,766,000)
Home Health	(45,991,000)
Medicare B Payments	(50,660,000)
Dental	(30,227,000)
County Psychiatric Hospital	(7,087,000)
Medical Supplies	(21,540,000)
Clinic	(38,724,000)
Transportation	(22,069,000)
Other Services	(47,225,000)

Automated Pharmaceutical Services	(2,229,000)
Pharmacare	(696,000)
Maternal and Child Health Expansion	(26,066,000)
Medicaid Expansion to Age 19 and 100% of Poverty	(10,518,000)
Medicaid expansion to 185% of Poverty	(18,216,000)
Medicaid expansion - SOBRA	146,953,000)
Additions, Improvements and Equipment	(225,000)

30 Educational, Cultural and Intellectual Development

32 Operation and Support of Educational Institutions

7600 Division of Developmental Disabilities

99-7600 Management and Administrative Services	<u>\$5,097,000</u>
Total Appropriation, Division of Developmental Disabilities	<u>\$5,097,000</u>
Personal Services:	
Salaries and Wages	(\$4,941,000)
Materials and Supplies	(2,000)
Services Other Than Personal	(3,000)
Maintenance and Fixed Charges	(65,000)
Special Purpose:	
Foster Grandparents	(86,000)

7601 Community Programs

01-7601 Purchased Residential Care	\$68,697,000
02-7601 Social Supervision and Consultation	11,513,000
03-7601 Adult Activities	43,430,000
04-7601 Education and Day Training	475,000
Total Appropriation, Community Programs	<u>\$124,115,000</u>
Personal Services:	
Salaries and Wages	(\$12,764,000)
State Aid and Grants:	
Community Care Waiver, Title XIX	(68,553,000)
Developmental Disabilities Council	(1,192,000)
Day Care Services	(439,000)
Work-Study Training Program for Caseworkers	(1,538,000)
Citizens' Advocacy Program	(176,000)
Intermediate Care Facilities -Mental Retardation	(39,453,000)

7610 Green Brook Regional Center

05-7610 Residential Care and Habilitation...	\$2,958,000
06-7610 Health Services	718,000
07-7610 Education and Training	634,000
98-7610 Physical Plant and Support Services	918,000
99-7610 Management and Administrative Services	<u>577,000</u>
Total Appropriation, Green Brook Regional Center	<u>\$5,805,000</u>
Personal Services:	
Salaries and Wages	(\$5,805,000)

7620 Vineland Developmental Center

05-7620 Residential Care and Habilitation...	\$13,968,000
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06-7620 Health Services.....	3,905,000
98-7620 Physical Plant and Support Services	1,241,000
99-7620 Management and Administrative Services	<u>610,000</u>
Total Appropriation, Vineland Developmental Center	<u>\$19,724,000</u>

Personal Services:

Salaries and Wages	(\$19,724,000)
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7630 North Jersey Developmental Center

05-7630 Residential Care and Habilitation...	\$8,076,000
06-7630 Health Services.....	2,458,000
98-7630 Physical Plant and Support Services	476,000
99-7630 Management and Administrative Services	<u>769,000</u>
Total Appropriation, North Jersey Developmental Center	<u>\$11,779,000</u>

Personal Services:

Salaries and Wages	(\$11,779,000)
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7640 Woodbine Developmental Center

05-7640 Residential Care and Habilitation...	\$8,954,000
06-7640 Health Services.....	1,976,000
98-7640 Physical Plant and Support Services	1,488,000
99-7640 Management and Administrative Services	<u>798,000</u>
Total Appropriation, Woodbine Developmental Center	<u>\$13,216,000</u>

Personal Services:

Salaries and Wages	(\$13,216,000)
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7650 New Lisbon Developmental Center

05-7650 Residential Care and Habilitation...	\$15,119,000
06-7650 Health Services.....	5,835,000
98-7650 Physical Plant and Support Services	2,034,000
99-7650 Management and Administration....	<u>838,000</u>
Total Appropriation, New Lisbon Developmental Center	<u>\$23,826,000</u>

Personal Services:

Salaries and Wages	(\$23,826,000)
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7660 Woodbridge Developmental Center

05-7660 Residential Care and Habilitation...	\$11,900,000
06-7660 Health Services.....	725,000
98-7660 Physical Plant and Support Services	382,000
99-7660 Management and Administrative Services	<u>1,290,000</u>
Total Appropriation, Woodbridge Developmental Center	<u>\$14,297,000</u>

Personal Services:

Salaries and Wages	(\$14,297,000)
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7670 Hunterdon Developmental Center

05-7670 Residential Care and Habilitation...	\$6,545,000
06-7670 Health Services.....	1,215,000
98-7670 Physical Plant and Support Services	1,525,000
99-7670 Management and Administrative Services	<u>927,000</u>
Total Appropriation, Hunterdon Developmental Center	<u>\$10,212,000</u>

Personal Services:

Salaries and Wages	(\$10,212,000)
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7690 North Princeton Developmental Center

05-7690 Residential Care and Habilitation...	\$6,812,000
06-7690 Health Services.....	1,058,000
98-7690 Physical Plant and Support Services	965,000
99-7690 Management and Administrative Services	<u>844,000</u>
Total Appropriation, North Princeton Developmental Center	<u>\$9,679,000</u>
Personal Services:	
Salaries and Wages	(\$9,679,000)

*33 Supplemental Education and Training Programs**7560 Commission for the Blind and Visually Impaired*

11-7560 Habilitation and Rehabilitation.....	\$6,874,000
12-7560 Instruction, Community Programs and Prevention	861,000
99-7560 Management and Administrative Services	<u>1,004,000</u>
Total Appropriation, Commission for the Blind and Visually Impaired	<u>\$8,739,000</u>
Personal Services:	
Salaries and Wages	(\$4,065,000)
Employee Benefits	(134,000)
Materials and Supplies	(185,000)
Services Other Than Personal.....	(615,000)
Maintenance and Fixed Charges.....	(264,000)
State Aid and Grants:	
Independent Living - Supported Employment	(187,000)
Independent living - Part C, Older Blind	(224,000)
Vocational Rehabilitation-Indepen- dent Living, Title VII, Part A	(68,000)
Social Security Administration Reimbursement to Enhance the Vocational Rehabilitation	(600,000)
Vocational Rehabilitation--Direct Service	(2,032,000)
Social services block grant.....	(319,000)
Additions, Improvements and Equipment	(46,000)

*50 Economic Planning, Development and Security**53 Economic Assistance and Security**7550 Division of Family Development*

15-7550 Income Maintenance Management.	<u>\$610,830,000</u>
Total Appropriation, Division of Family Development	<u>\$610,830,000</u>
Personal Services:	
Salaries and Wages	(\$9,877,000)
Compensation Awards	(9,000)
Materials and Supplies	(312,000)
Services Other Than Personal.....	(11,276,000)
Maintenance and Fixed Charges.....	(1,148,000)
Special Purpose:	
Information Systems Impact Study	(742,000)
Electronic Benefit Transfer/ Distribution System.....	(310,000)
Electronic Benefit Transfer, Evaluation and Development, Food Stamps.....	(488,000)

EBT - Operational Food Stamp Match for CWA's	(593,000)
EBT - Operational IV-A Match for CWA's	(376,000)
Automated Child Support Enforcement Program	(113,000)
Child Support Program Legislative Initiatives	(1,941,000)
Jobs Opportunities Basic Skills	
Training Program Title IV-A.....	(25,420,000)
Jobs Opportunities Basic Skills	
Training Program Title IV-F	(27,131,000)
Title IV-A At Risk Child Care	(8,323,000)
Affirmative Action and Equal	
Employment Opportunity	(8,000)
State Aid and Grants:	
AFDC Transitional Housing Demonstration	(942,000)
Supplemental Security Income - Title XIV	(400,000)
FSA Grant to Improve Child Care	
Licensing and Registration	(379,000)
Child Care Development Block Grant.....	(13,118,000)
Refugee Resettlement Program	(1,100,000)
Administration Expenses to Counties -	
Assistance Programs.....	(70,455,000)
Dependent Children Assistance.....	(256,436,000)
Energy Assistance Program	(42,903,000)
County Administrative Expenses -	
Food Stamp Program	(49,000,000)
Title XIX.....	(38,000,000)
Social Services Block Grant.....	(22,840,000)
Title IV-D	(20,000,000)
Low Income Energy Assistance Program.	(4,251,000)
Refugee Resettlement/Cuban Haitian	
Entrant Program	(110,000)
IV-D CSP Payments to CPD and County	
Sheriff.....	(2,291,000)
Parents Fair Share Program - Title IV-D.	(375,000)
Title IV-F	(153,000)
Additions, Improvements and Equipment.....	(10,000)

55 Social Services Programs

7570 Division of Youth and Family Services

16-7570 Initial Response/Case Management	\$41,344,000
17-7570 Substitute Care	32,696,000
18-7570 General Social Services.....	42,679,000
99-7570 Management and Administrative Services	<u>15,103,000</u>
Total Appropriation, Division of Youth and	
Family Services	<u>\$131,822,000</u>
Personal Services:	
Salaries and Wages	(\$41,446,000)
Materials and Supplies.....	(2,439,000)
Services Other Than Personal.....	(9,927,000)
Maintenance and Fixed Charges	(9,948,000)
State Aid and Grants:	

Initial Response/Case Management	(1,134,000)
East Orange District Office	
Management Enhancement Program ...	(250,000)
Family Violence Prevention and Services	(475,000)
Dependent Care Planning and Development	(450,000)
Project Safe-T	(150,000)
SHSP Respite Program	(270,000)
National Center for Child Abuse and Neglect	(1,016,000)
Title XIX - Children in Residential Centers	(220,000)
Title IV-B Child Welfare Services.....	(15,000)
Post Legal Adoption Services	(100,000)
Title XIX (Other Residential)	(263,000)
Title XIX (Residential/Group Home).....	(3,114,000)
Title XIX (Special Home Services Providers)	(3,100,000)
Title XIX (Subsidized Adoption).....	(1,046,000)
Title XIX (Foster Care).....	(2,847,000)
Title IV-E (Residential/Group Home).....	(4,804,000)
Title IV-E (Special Home Services Providers)	(2,429,000)
Title IV-E (Subsidized Adoption)	(1,421,000)
Title IV-E (Foster Care)	(5,324,000)
Title IV-B (Residential/Group Home)	(128,000)
Title IV-B (Special Home Services Providers)	(101,000)
Title IV-B (Subsidized Adoption).....	(117,000)
Title IV-B (Foster Care).....	(328,000)
Purchase of Service Contracts.....	(1,069,000)
Title XIX Children in Residential Centers	(202,000)
General Social Services	(124,000)
State Legalization Impact Assistance Grant	(1,502,000)
Office of Refugee Resettlement - Social Services	(1,483,000)
Targeted Assistance Disabilities Grant ...	(632,000)
JOB Links Disability Grant.....	(300,000)
Refugee Cash Management	
Unaccompanied Minors.....	(1,462,000)
Title XIX - Children in Residential Centers	(862,000)
Family Preservation Services (Title IV-B)	(2,700,000)
Title XIX (Family Support Services)	(913,000)
Title IV-E (Family Support Services).....	(2,840,000)
Title IV-B (Family Support Services).....	(71,000)
Title IV-A (Emergency Assistance to Families)	(3,000,000)
Independent Living (Title IV-E)	(2,386,000)
Purchase of Service Contracts.....	(7,680,000)
National Center For Child Abuse and Neglect	(536,000)
Child Abuse and Neglect State Grant - Disabled infants.....	(210,000)
SSBG Day Care	(5,859,000)
Title IV A/E	(3,132,000)
Children's Justice Act	(388,000)
Additions, Improvements and Equipment	(1,609,000)

*56 Juvenile Services**7593 Juvenile Community Programs*

34-7593 Juvenile Rehabilitation		<u>\$1,610,000</u>
Total Appropriation, Juvenile Community Programs		<u>\$1,610,000</u>
Personal Services:		
Salaries and Wages	(\$980,000)	
Employee Benefits	(96,000)	
Special Purpose:		
Elizabeth and Union Day Program	(200,000)	
Chapter 1 - Delinquent	(301,000)	
Other Special Purpose	(33,000)	

*70 Government Direction, Management and Control**76 Management and Administration**7500 Division of Management and Budget*

87-7500 Research, Policy and Planning		\$1,538,000
99-7500 Management and Administrative Services		<u>31,613,000</u>
Total Appropriation, Division of Management and Budget		<u>\$33,151,000</u>
Personal Services:		
Salaries and Wages	(\$794,000)	
Special Purpose:		
Challenge Grant (Children's Trust Fund)	(127,000)	
Automated Child Support Enforcement Program	(299,000)	
Office of Prevention	(260,000)	
Head Start State Collaboration Project	(45,000)	
Federal Cost Recoveries	(15,344,000)	
Title IV-A, Aid to Families With Dependent Children	(492,000)	
Title IV-B, Child Welfare Services	(134,000)	
Title IV-E, Foster Care	(288,000)	
Low Income Energy Assistance Block Grant	(70,000)	
Title XIX, ICF-MR	(7,638,000)	
Title XIX, Medical Assistance	(2,400,000)	
Refugee Resettlement Program	(18,000)	
Social Service Block Grant	(2,323,000)	
Vocational Rehabilitation Act, Section 120	(148,000)	
Food Stamp Program	(447,000)	
REACH - Title IV-F	(119,000)	
Adult Basic Education Program	(95,000)	
ECIA, Chapter I-State Institutions- Handicapped	(275,000)	
ECIA, Chapter I-Neglected and Delinquent	(1,626,000)	
Chapter 2 Block Grant	(23,000)	
Other Special Purpose	(186,000)	
Total Appropriation, Department of Human Services		<u>\$3,036,064,000</u>

62 DEPARTMENT OF LABOR

*50 Economic Planning, Development and Security**51 Economic Planning and Development*

18-4570 Planning and Research		\$7,024,000
99-4565 Management and Administrative Services		<u>12,617,000</u>
Total Appropriation, Economic Planning and Development		<u>\$19,641,000</u>
Personal Services:		
Salaries and Wages	(\$12,391,000)	
Compensation Awards	(9,000)	
Employee Benefits	(3,625,000)	
Materials and Supplies	(225,000)	
Services Other Than Personal	(1,755,000)	
Maintenance and Fixed Charges	(1,198,000)	
Special Purpose:		
Occupational Informational		
Coordinating Program	(7,000)	
State Training Inventory	(2,000)	
Other Special Purpose	(94,000)	
State Aid and Grants:		
Occupational Informational Coordinating		
Program	(3,000)	
Additions, Improvements and Equipment	(332,000)	

52 Economic Regulation

12-4550 Enforcement of Workplace Standards		<u>\$1,359,000</u>
Total Appropriation, Economic Regulation		<u>\$1,359,000</u>
Personal Services:		
Salaries and Wages	(\$836,000)	
Employee Benefits	(239,000)	
Materials and Supplies	(6,000)	
Services Other Than Personal	(28,000)	
Maintenance and Fixed Charges	(131,000)	
Special Purpose:		
OSHA On-Site Consultation	(94,000)	
Other Special Purpose	(25,000)	

53 Economic Assistance and Security

01-4510 Unemployment Insurance		\$85,661,000
02-4515 Disability Determination		<u>39,775,000</u>
Total Appropriation, Economic Assistance and Security		<u>\$125,436,000</u>
Personal Services:		
Salaries and Wages	(\$68,729,000)	
Employee Benefits	(17,759,000)	
Materials and Supplies	(1,177,000)	
Services Other Than Personal	(14,638,000)	
Maintenance and Fixed Charges	(9,158,000)	
Special Purpose:		
Old Age and Survivors' Insurance--		
Disability Determination	(3,845,000)	

Other Special Purpose	(1,031,000)
State Aid and Grants:	
Old Age and Survivors' Insurance--	
Disability Determination	(8,000,000)
Additions, Improvements and Equipment.....	(1,099,000)

54 Manpower and Employment Services

07-4535 Vocational Rehabilitation Services.		\$38,219,000
09-4545 Employment Services		40,906,000
10-4545 Employment Development Services		<u>118,265,000</u>
Total Appropriation, Manpower and Employment Services		<u>\$197,390,000</u>
Personal Services:		
Salaries and Wages	(\$34,698,000)	
Employee Benefits	(10,958,000)	
Materials and Supplies.....	(288,000)	
Services Other Than Personal.....	(3,649,000)	
Maintenance and Fixed Charges.....	(6,531,000)	
Special Purpose:		
DVR Independent Living Program-Part B	(200,000)	
Rehabilitation In-Service Training.....	(52,000)	
Rehabilitation of Supplemental		
Security Income Beneficiaries.....	(1,000,000)	
Other Special Purpose	(2,797,000)	
State Aid and Grants:		
DVR Independent Living Program-Part B	(350,000)	
Vocational Rehabilitation Act Of 1973....	(14,579,000)	
Job Search Assistance	(1,698,000)	
Job Training Partnership Act--		
5% Older Individuals.....	(1,455,000)	
Job Training Partnership Act--8% Education	(3,507,000)	
Job Training Partnership Act--		
Title II-C, Youth Training	(16,472,000)	
Job Training Partnership Act--Title II-A,		
Training Services For the Disadvantaged	(23,572,000)	
Job Training Partnership Act--Title II-B,		
Summer Youth Employment and		
Training Program	(30,515,000)	
Job Training Partnership Act--		
Title III, Dislocated Workers.....	(34,290,000)	
Job Training Partnership Act--Title		
IV, Federally Administered Programs .	(200,000)	
Employment Services Rapid Response Team	(219,000)	
New Jersey Commission On Employment		
and Training	(129,000)	
Comprehensive Services For		
Independent Living.....	(270,000)	
Supported Employment.....	(533,000)	
SETC Literary Enhancement Center	(392,000)	
Technology Related Assistance Project ..	(548,000)	
Trade Adjustment Assistance Project.....	(5,599,000)	

NAFTA Transitional Adjustment Assistance	(2,000,000)	
Vocational Rehabilitation -		
Integrated Employment	(465,000)	
Vocational Rehabilitation Services -		
Basic Support Program.....	(115,000)	
Additions, Improvements and Equipment	(309,000)	
Total Appropriation, Department of Labor		<u>\$343,826,000</u>

66 DEPARTMENT OF LAW AND PUBLIC SAFETY

*10 Public Safety and Criminal Justice**11 Vehicular Safety*

03-1160 Driver Control and Regulatory Affairs		<u>\$9,213,000</u>
Total Appropriation, Vehicular Safety		<u>\$9,213,000</u>
Personal Services:		
Salaries and Wages	(\$1,102,000)	
Employee Benefits	(333,000)	
Materials and Supplies	(145,000)	
Services Other Than Personal.....	(129,000)	
Maintenance and Fixed Charges	(108,000)	
Special Purpose:		
Fatal Accident Reporting System -Control	(90,000)	
NHTSA 402 - Youthful Driver	(195,000)	
Section 403 Funding - Traffic Records Strategic	(200,000)	
NHTSA Funding Title 23 - High Risk Driver	(1,000,000)	
Motorcycle Occupant.....	(700,000)	
Traffic Records Study	(1,000,000)	
Drunk Driver Prevention Program	(950,000)	
Other Special Purpose	(92,000)	
State Aid and Grants:		
Federal Highway Safety Program-		
State Match	(100,000)	
Highway Safety - Traffic Records	(1,000)	
Truck Safety Project	(28,000)	
Emergency Services.....	(202,000)	
Traffic Engineering Services Project	(100,000)	
Selective Enforcement Management.....	(621,000)	
Highway Safety - Safety Restraints		
Program Management	(93,000)	
Highway Safety - Alcohol Education		
and Public Awareness Coordinators.....	(2,000)	
Alcohol Education Materials	(917,000)	
Alcohol Incentive Program 5th		
Year Supplemental	(400,000)	
Trauma research HTS	(700,000)	
Additions, Improvements and Equipment	(5,000)	

12 Law Enforcement

08-1200 Emergency Services	\$5,840,000
09-1020 Criminal Justice.....	24,677,000

24-1200 Marine Police Operations	1,065,000
99-1200 Management and Administrative Services	<u>80,000</u>
Total Appropriation, Law Enforcement ...	<u>\$31,662,000</u>
Personal Services:	
Salaries and Wages	(\$2,043,000)
Cash in Lieu of Maintenance	(5,000)
Employee Benefits	(665,000)
Materials and Supplies	(197,000)
Services Other Than Personal	(672,000)
Maintenance and Fixed Charges	(61,000)
Special Purpose:	
Survival Crisis Management Grant	(575,000)
Maintenance and Services	(75,000)
Earthquake Preparedness Grant	(150,000)
Emergency Management Training and	
Education - State Match	(48,000)
Urban Research and Rescue	(400,000)
Facilities and Equipment	(500,000)
FEMA State Assistance Program	(200,000)
Hazard Mitigation Program	(18,000)
Hazardous Materials Transportation	
Uniform Safety Act	(200,000)
Hazardous Emergency Response Right	
To Know Computerizations	(97,000)
Medicaid Fraud Unit	(54,000)
Recreational Boating Safety Financial Assistance	(1,065,000)
Institute of Museum Services Grant	(80,000)
Other Special Purpose	(67,000)
State Aid and Grants:	
Nuclear Civil Protection Planning	(700,000)
Emergency Management Assistance Program	(700,000)
Hurricane Preparedness Program	(75,000)
Emergency Management Assistance	
Program - Local Jurisdictions	(1,300,000)
Department of Defense Funding	
(CFDA 12.607)	(300,000)
Juvenile justice Administration and Grants	(2,786,000)
Victim Assistance Grants	(4,200,000)
High Intensity Drug Trafficking	
Area (HIDTA)	(1,306,000)
Weed and Seed Programs	(2,000,000)
Drug Enforcement Administration and Grants	(11,094,000)
Additions, Improvements and Equipment	(29,000)

80 Special Government Services

82 Protection of Citizens' Rights

16-1350 Protection of Civil Rights	\$690,000
19-1440 Violent Crimes Compensation	<u>334,000</u>
Total Appropriation, Protection of Citizens' Rights	<u>\$1,024,000</u>

Personal Services:		
Salaries and Wages	(\$585,000)	
Employee Benefits	(105,000)	
Special Purpose:		
Victim Compensation Award.....	(334,000)	
Total Appropriation, Department of Law and Public Safety		<u>\$41,899,000</u>

67 DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS

10 Public Safety and Criminal Justice

14 Military Services

30-3620 Physical Plant and Support Services	\$7,669,000
40-3620 New Jersey National Guard Support Services	<u>4,543,000</u>
Total Appropriation, Military Services	<u>\$12,212,000</u>

Personal Services:	
Salaries and Wages	(\$3,562,000)
Employee Benefits	(697,000)
Materials and Supplies	(2,282,000)
Services Other Than Personal.....	(1,297,000)
Maintenance and Fixed Charges.....	(470,000)
Special Purpose:	
New Jersey National Guard Challenge	
Youth Program	(2,800,000)
Additions, Improvements and Equipment	(1,104,000)

80 Special Government Services

83 Services to Veterans

50-3610 Veterans' Outreach and Assistance	<u>\$500,000</u>
Total Appropriation, Services To Veterans	<u>\$500,000</u>
Special Purpose:	
Transitional Housing.....	(\$500,000)
Total Appropriation, Department of Military and Veterans' Affairs	<u>\$12,712,000</u>

74 DEPARTMENT OF STATE

30 Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services

05-2530 Support of the Arts	\$1,046,000
06-2535 Museum Services	<u>213,000</u>
Total Appropriation, Cultural and Intellectual Development Services	<u>\$1,259,000</u>

Personal Services:	
Salaries and Wages	(\$285,000)
Employee Benefits	(45,000)
Materials and Supplies	(8,000)
Services Other Than Personal.....	(122,000)
Maintenance and Fixed Charges.....	(3,000)
Special Purpose:	
Folk Arts-Southern New Jersey Program	(76,000)
Cultural Diversity Program.....	(56,000)
Southern New Jersey Arts Initiative.....	(57,000)

Local Programs	(80,000)
National Endowment for the Arts:	
Museum Exhibition	(50,000)
National Endowment for the Humanities:	
Afro American life in New Jersey	(50,000)
Institute of Museum Services:	
General Support Grant.....	(113,000)
Other Special Purpose	(20,000)
State Aid and Grants:	
Basic Block Grant	(242,000)
Arts in Education	(51,000)
Additions, Improvements and Equipment.....	(1,000)

80 Special Government Services

82 Protection of Citizens' Rights

17-2851 Mental Health Screening Services..	\$497,000
19-2583 Dispute Settlement.....	42,000
24-2588 Advocacy for the Developmentally Disabled	<u>919,000</u>
Total Appropriation, Protection of Citizens' Rights	<u>\$1,458,000</u>
Personal Services:	
Salaries and Wages	(\$185,000)
Employee Benefits	(61,000)
Materials and Supplies.....	(6,000)
Services Other Than Personal.....	(28,000)
Maintenance and Fixed Charges	(7,000)
Special Purpose:	
HUD Grant - Fair Housing Outreach and	
Education Initiative	(42,000)
Protection and Advocacy of Individual	
Rights (PAIR).....	(100,000)
Other Special Purpose	(14,000)
State Aid and Grants:	
Mental Health Protection and Advocacy Grant	(376,000)
Developmental Disabilities -	
Protection and Advocacy Grant.....	(360,000)
Clients Assistance Project.....	(181,000)
Protection and Advocacy of Individual	
Rights (PAIR).....	(98,000)
Total Appropriation, Department of State	<u><u>\$2,717,000</u></u>

78 DEPARTMENT OF TRANSPORTATION

60 Transportation Programs

61 State Highway Facilities

02-6200 Transportation Systems Improvements-Planning	\$17,800,000
10-6300 Interstate Program	160,041,000
28-6300 Demonstration Program.....	30,346,000
29-6300 Congestion Mitigation and Air Quality Program	26,884,000
36-6300 National Highway System	56,139,000
37-6300 Surface Transportation Program	142,415,000

40-6300 Bridge Program	105,504,000
65-6300 Rail Freight Lines	1,000,000
71-6200 Transportation Systems Improvements	<u>500,000</u>
Total Appropriation, State Highway Facilities	<u>\$540,629,000</u>

Special Purpose:

Highway Planning and Research.....	(\$9,700,000)
Metropolitan Planning Funds.....	(5,100,000)
New Jersey Transportation Planning Assistance	(3,000,000)
Rail Freight Capital Projects	(1,000,000)
Supportive Services Highway	
Construction Training Program	(500,000)

<u>Route</u>	<u>Section</u>	<u>Description</u>	<u>County</u>	<u>Amount</u>
INTERSTATE PROGRAM				
1. CONSTRUCTION				
78	4X5CJ	Interchange improvements at Route 655, Diamond Hill Road	Union	(3,166,000)
80	1AT/2R	Truck weigh stations, rehabilitation	Warren	(820,000)
287			Middlesex	
287	5T6N7H	Route I-78 to the Passaic River, northbound, new HOV lane and related improvements	Somerset	(32,000,000)
287	5V6Q7J	Route I-78 to the Passaic River, southbound, new HOV lane and related improvements	Somerset	(32,000,000)
287	8P9T	Passaic River to Route 24 (Madison Ave.), HOV lane and related improvements	Morris	(10,360,000)
295	(3)	Exit 14 to Exit 20, interchange improvements, partial funding	Gloucester	(41,500,000)
		Unanticipated design, right-of-way, construction expenses, Interstate completion funds	Various	(3,000,000)
		Unanticipated design, right-of-way, construction expenses, Interstate maintenance funds	Various	(1,000,000)
		Unanticipated design, right-of-way, construction expenses, Interstate transfer funds	Various	(1,256,000)
		Interstate preventive maintenance	Various	(500,000)
		Interstate resurfacing	Various	(7,526,000)
		Interstate service facilities	Various	(1,000,000)
		Annual set-aside for NJ Turnpike	Bergen	(6,000,000)
2. DESIGN/ENGINEERING				
80	G	Garden State Parkway to Route 17, rehabilitation and operational improvements	Bergen	(4,800,000)

80	(8)	Sign upgrades	Morris Sussex Warren	(400,000)
3. RIGHT-OF-WAY				
195	(2)	Interchange 11 (Imlaystown-Hightstown Road) to Interchange 16(County Route 537) operational improvements	Ocean Monmouth	(3,000,000)
206	15J	Brown Ave. to Frelinghuysen Ave. widening	Somerset	(11,000,000)
287	2N	Access improvements at River Road, Washington Ave. and Durham Ave.	Middlesex	(713,000)
Special Purpose:				
DEMONSTRATION PROGRAM				
1. CONSTRUCTION				
		Intelligent vehicle and highway systems (IVHS) improvements	Various	(3,150,000)
		Traffic signal contract #26; Route 22	Somerset Union	(5,000,000)
280	(9)	Interchange improvements Edwards Road/ New Road interchange	Morris	(573,000)
2. DESIGN/ENGINEERING				
		Paulsboro Bridge, Billingsport Road (CR 653) over Conrail, new bridge construction	Gloucester	(400,000)
		Traffic signal contract #20; Route 206	Mercer Somerset	(2,000,000)
21	TSM4	Clay Street to Gouverneur Street, widening	Essex	(1,000,000)
3. ENVIRONMENTAL MITIGATION				
21F	4N6K	Hope Road to Route 46 highway on new alignment	Passaic	(10,000,000)
4. PROJECT DEVELOPMENT				
21	2N	Bridge over Route I-78 and Conrail, proposed replacement	Essex	(2,723,000)
280		Downtown connector, Newark	Essex	(300,000)
5. STATEWIDE INVESTMENTS				
		D&R Canal bridges, timber bridge research program	Mercer Hunterdon Somerset	(200,000)

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	Electronic toll and traffic management system	Various	(4,000,000)
	Various transportation grants	Various	(1,000,000)
Special Purpose:			
CONGESTION MITIGATION AND AIR QUALITY PROGRAM			
1.	CONSTRUCTION		
	Herberstville Road/ Garden State Parkway bus and truck inspection facility	Monmouth	(3,000,000)
	Hudson River waterfront walkway, Castle Point	Hudson	(1,000,000)
	Interstate barge; roll-on, roll-off barge ferry, Greenville Yard to Red Hook	Hudson	(2,000,000)
	Unanticipated design, right-of-way, construction expenses	Various	(1,000,000)
2.	DESIGN/ENGINEERING		
	Traffic signal contract #14, Routes 23 and 46	Various	(2,384,000)
3.	STATEWIDE INVESTMENTS		
	Congestion management system	Various	(500,000)
	Employer trip reduction program	Various	(2,200,000)
	Park and ride program, HOV program, ridesharing program, DOT and NJT	Various	(1,000,000)
	Transportation management association program, DOT and NJT	Various	(3,000,000)
	Traffic operations center, north	Various	(5,800,000)
	Traffic operations center, south	Various	(5,000,000)
Special Purpose:			
NATIONAL HIGHWAY SYSTEM			
1.	CONSTRUCTION		
73	5C1E12B Bridge over Route 30, replacement	Camden	(14,000,000)
30			
295	1AX Truck weigh station	Salem	(9,300,000)
	Unanticipated design, right-of-way, construction expenses	Various	(3,000,000)
	Resurfacing program	Various	(5,686,000)
	State preventive maintenance	Various	(5,600,000)

2. DESIGN/ENGINEERING

1	6T16E1B	Interchange improvements at Route 1 and Route 130	Middlesex	(3,500,000)
130				
171				
10	4A	Ledgewood Circle improvements	Morris	(600,000)

3. RIGHT-OF-WAY

22	14H15J	West of Meeker Ave. to vicinity of Morris Ave., rehabilitation and operational improvements	Essex	(800,000)
23	7E	Intersection improvements at County Route 517	Sussex	(200,000)
46	12H	Interchange improvements at Riverview Drive	Passaic	(4,285,000)
206	2D	Ledgewood Road to vicinity of Central Railroad, rehabili- tation and operational improvements	Morris	(268,000)
206	15J	Brown Ave. to Frelinghuysen Ave., widening	Somerset	(4,000,000)

4. ENVIRONMENTAL MITIGATION

18	(3)	Connection to I-287	Middlesex	(3,000,000)
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5. PROJECT DEVELOPMENT

95		Noise barriers, Leonia and Englewood, proposed	Bergen	(400,000)
TPK		Truck weigh stations, location study	Various	(1,000,000)

6. STATEWIDE INVESTMENTS

		Technology invest- ment and training	Various	(500,000)
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Special Purpose:

SURFACE TRANSPORTATION PROGRAM

1. CONSTRUCTION

		Atlantic and Ventnor Aves., signal installation	Atlantic	(160,000)
		Bicycle lockers at county facilities	Somerset	(200,000)
		Resurface various county routes	Burlington	(500,000)
		Improve signals at four county intersections	Burlington	(190,000)
		County route markers	Camden	(60,000)
		County road guide rails	Cape May	(200,000)
		Resurface Centreton Road between Route 56 and Salem County line	Cumberland	(500,000)

Resurface County Route 553 between Dragston Road and Strawberry Ave.	Cumberland	(450,000)
County Routes 653 and 680, intersection improvements	Gloucester	(135,000)
Reconstruct Deepwater/Slapes Corner Road between Route 40 and Route 45	Salem	(5,350,000)
Resurface Delilah Road between Route 9 and Fire Road	Atlantic	(300,000)
Resurface Elmer-Shirley Road between Route 77 and Elmer Borough boundary	Salem	(600,000)
County road guide rails	Gloucester	(175,000)
Resurface various county routes	Gloucester	(1,800,000)
Countywide route markers	Gloucester	(40,000)
Flashing signals installation, countywide	Gloucester	(150,000)
Install raised pavement markers on various county roads	Gloucester	(50,000)
Upgrade traffic signal at intersection of Greenbrook Road and Washington Ave.	Somerset	(100,000)
Access ramps at various intersections for handicapped persons	Burlington	(500,000)
Resurface Hurffville-Grenloch Road near Greeleigh Drive	Gloucester	(45,000)
Traffic signal improvements, Mechanicsville/Erial Road and Little Gloucester Road	Camden	(80,000)
Bridges over Molley Ann's Brook, partial funding	Passaic	(2,000,000)
Traffic signal improvements, Perry Street and North Clinton Ave.	Mercer	(150,000)
Resurface various county roads and install pavement markers, Part 1	Sussex	(801,000)
Resurface various county roads and install pavement markers, Part 2	Sussex	(1,637,000)
Traffic signal loop detector improve- ments at various intersections	Burlington	(100,000)
Computerized traffic control system, Beverly-Rancocas Road from Rockland Drive to Irick Road to Woodlane Road	Burlington	(1,000,000)
Routes 129 and 1, directional signs	Mercer	(149,000)

		Trenton wayfinding project, Phase I	Mercer	(150,000)
		Traffic signal improvements, Turnersville/Hickstown Road and Peter Cheeseman Road	Camden	(450,000)
		Resurface Ventnor Ave. between Fredricksburg Ave. and Coolidge Ave.	Atlantic	(600,000)
		Resurface Wellington-West End Ave. between Route 40 and Dorset Ave.	Atlantic	(700,000)
		Resurface Westfield Ave. between 44th Street and DeRousse Ave.	Camden	(625,000)
		Resurface Weymouth-Elwood Road between Atlantic City Expressway to one mile from County Route 559	Atlantic	(400,000)
1	7L	Garden State Parkway south ramp to Route 1 north	Middlesex	(4,815,000)
9	3L	Resurfacing between Dugan Place to north of Church Road	Ocean	(1,190,000)
31	8L	South of Harrison Street to vicinity of Halstead Street, widening.	Hunterson	(14,000,000)
70	3H	Medford Circle elimination	Burlington	(2,480,000)
79	1A	Sheriff Street to Robertsville Road, resurfacing	Monmouth	(900,000)
202	10D	Vicinity of Church Street to north of Finley Ave. and Childs Road, rehabilitation	Somerset	(1,000,000)
		Bridge deck patching program	Various	(10,000,000)
		Bridge painting	Various	(8,000,000)
		Unanticipated design, right-of-way, construction expenses	Various	(4,000,000)
		Drainage rehabilitation and maintenance	Various	(4,000,000)
		Hazard elimination	Various	(4,345,000)
		Rail-highway grade crossing program	Various	(2,500,000)
		Resurfacing program	Various	(4,751,000)
		State preventive maintenance	Various	(1,000,000)
		Restriping program	Various	(6,000,000)
		Transportation enhancement projects	Various	(10,395,000)
2.	DESIGN/ENGINEERING			
		Traffic signal upgrade, Kennedy Blvd., Bayonne	Hudson	(380,000)
		Traffic signal upgrade, Greenwood Ave. and Chestnut Ave.	Mercer	(30,000)

		Traffic signal upgrade, Greenwood Ave. and Cuyler Ave.	Mercer	(30,000)
		Traffic signal upgrade, Greenwood Ave. and Monmouth St.	Mercer	(30,000)
		Bergen, Central, Summit, and Palisade Aves., roadway reconstruction	Hudson	(324,000)
		Traffic signal upgrade, Market St. and South Warren St./New Warren St.	Mercer	(50,000)
		Traffic signal computerization, Trenton	Mercer	(370,000)
9	3N	Intersection improvements, Hilliard Blvd. and Cedar Ridge Road	Ocean	(150,000)
31	6D	Flemington Circle to Bartles Corner Road, operational improvements	Hunterdon	(1,220,000)
46	80/23	Interchange improvements at interchange of Route I-80 and Route 23	Passaic	(2,100,000)
130	(16)	Intersection improvements at Adams Lane	Middlesex	(750,000)
130	(17)	Intersection improvements at Half Acre Road	Middlesex	(1,100,000)
		Final design, Local Aid	Various	(2,000,000)
		Safety management system	Various	(2,500,000)
3.	RIGHT-OF-WAY			
		Princeton-Hightstown Road, Wallace Road to Clarksville Road, widening	Mercer	(3,750,000)
22	TSM-2	Dunbar Ave. to Fairway Drive, rehabilitation and operational improvements	Union	(1,500,000)
4.	ENVIRONMENTAL MITIGATION			
		Hoes Lane, wetlands mitigation	Middlesex	(7,000,000)
5.	PROJECT DEVELOPMENT			
55		Feasibility study, installation of safety call boxes	Cumberland Salem	(50,000)
		Project development, Local Aid	Various	(500,000)
		Project development, North Jersey Transportation Planning Authority	Various	(1,700,000)

Project development, preliminary engineering	Various	(1,250,000)
Project development, regional design	Various	(2,000,000)

6. STATEWIDE INVESTMENTS

Alternatively-fueled vehicles for county operated van pool program	Somerset	(180,000)
Somerset county transit, paratransit, and ridesharing guide	Somerset	(12,000)
Subscription bus operation countywide	Somerset	(266,000)
Supportive services program	Various	(500,000)
Intermodal management system	Various	(250,000)
Department metrication program	Various	(2,750,000)
Pre-apprenticeship training and related training for minorities and females	Various	(750,000)
Pavement management system	Various	(2,400,000)
Rockfall mitigation	Various	(1,000,000)
State Police enforcement and safety services	Various	(1,800,000)
Traffic monitoring systems	Various	(4,000,000)

Special Purpose:

BRIDGE PROGRAM

1. CONSTRUCTION

Arch St. bridge over Passaic River, rehabilitation	Passaic	(1,712,000)
Bloomfield Ave. bridge over abandoned Erie-Lackawanna rail- road, elimination	Essex	(725,000)
Bogert Road bridge and culvert over Saddle River, replacement	Bergen	(2,675,000)
Bowers Creek Road bridge over Cedar Creek, replacement	Cumberland	(1,400,000)
East Hobart Gap Road bridge over Canoe Brook, rehabilitation	Essex	(700,000)
Forge St. bridge over Manalapan Brook, replacement	Middlesex	(920,000)
Harrison St. bridge over Third River, replacement	Essex	(1,177,000)
Highland Ave./Baldwin St. bridge over NJ Transit, replacement	Essex	(1,200,000)
Lincoln Ave./High St. bridge over Rahway River, replacement	Union	(3,213,000)

		Main Ave. bridge over Weasel Brook, rehabilitation	Passaic	(1,177,000)
		Paterson-Hamburg Turnpike bridge over Pompton River, rehabilitation	Passaic	(1,873,000)
		Pleasant Mills Road bridge over Mullica River, replacement	Burlington Atlantic	(1,000,000)
		Scotch Bonnet Bridge over Scotch Bonnet Creek, reconstruction	Cape May	(3,232,000)
		Snake Den Road bridge over West Brook, replacement	Passaic	(535,000)
		Split Rock Road bridge over Pole Bridge Branch, replacement	Burlington	(1,723,000)
		Tyler Road bridge over Sluice Creek, reconstruction	Cape May	(1,375,000)
		Washington Ave. bridge over Newmarket Pond, rehabilitation	Middlesex	(2,250,000)
		West Brook Road bridge over West Brook, rehabilitation	Passaic	(963,000)
4	2Y	Bridges over Kinderkamack Road (rehabilitation) and Hackensack Ave. over Route 4 (replacement)	Bergen	(24,011,000)
4	3V	Bridges over Route I-95, rehabilitation	Bergen	(5,500,000)
30	14K	Bridge over Cooper River, replacement	Camden	(10,820,000)
46	11H	Bridge over Passaic River, rehabilitation	Morris	(2,660,000)
73	5C	Bridge over Route 30, replacement	Ocean	(4,500,000)
30	1E12B			
80	4BD	Bridge over Route 20 (Ramp B), rehabilitation	Passaic	(1,000,000)
130	3A,4D	Bridge over Oldmans Creek, rehabilitation	Salem Gloucester	(1,300,000)
		Unanticipated design, right-of-way, construction expenses	Various	(5,000,000)
2.	DESIGN/ENGINEERING			
		Colonial Road bridge over tributary to Pond Brook, replacement	Bergen	(325,000)
		Daniel Road bridge over Manalapan Brook, replacement	Middlesex	(130,000)
		Madison Ave. bridge over Hackensack River, replacement	Bergen	(350,000)

		Mount Pleasant Place bridge over West Branch of Rahway River, replacement	Essex	(200,000)
		Oakview Ave. bridge over East Branch of Rahway River, re- placement	Essex	(250,000)
		Westervelt Ave. and Roosevelt Ave. bridges over Green Brook, replacement	Union Somerset	(300,000)
3.	RIGHT-OF-WAY			
		Birmingham Road Bridge #2 over Indian Run, replacement	Burlington	(50,000)
		High St. bridge over Tenakill Broad, replacement	Bergen	(321,000)
		Lafayette Ave. bridge over Goffle Brook, rehabilitation	Passaic	(54,000)
		New Lisbon Road bridge over Greenwood Branch of Rancocas Creek, rehabilitation	Burlington	(100,000)
		Orr Road bridge over Crosswicks Creek, replacement	Burlington Mercer	(100,000)
		Pearl St. bridge over Assicunk Creek, replacement	Burlington	(150,000)
		River Road bridge over Third River, replacement	Passaic	(54,000)
		Somerdale Road bridge over Cooper River, replacement	Camden	(120,000)
		Williamstown-Franklinville Road bridge over Scotland Run, replacement	Gloucester	(190,000)
30	11A	Bridge over Atlantic City rail line, replacement	Camden	(856,000)
30	14K	Bridge over Cooper River, replacement	Camden	(963,000)
4.	PROJECT DEVELOPMENT			
		Project development, bridge projects	Various	(5,000,000)
5.	STATEWIDE INVESTMENTS			
		Bridge inspection	Various	(13,000,000)
		Bridge management system	Various	(350,000)

62 Public Transportation

29-6310 Congestion Mitigation and Air Quality Program	\$28,630,000
37-6310 Surface Transportation Program.....	5,000,000
96-6310 Federal Transit Administration.....	<u>318,950,000</u>
Total Appropriation, Public Transportation..	<u>\$352,580,000</u>

Special Purpose:

CONGESTION MITIGATION AND AIR
QUALITY PROGRAM

1. CONSTRUCTION

Hunter Connection, track connection between Raritan Valley and Northeast Corridor Lines	Various	(11,000,000)
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2. CAPITAL ACQUISITION

Emission control/rebuilt engines	Various	(2,630,000)
Commuter rail rolling stock	Various	(5,000,000)

3. PROJECT DEVELOPMENT

Experimental transit services	Various	(10,000,000)
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Special Purpose:

SURFACE TRANSPORTATION PROGRAM:

1. CONSTRUCTION

Hoboken Terminal	Hudson	(5,000,000)
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Special Purpose:

FEDERAL TRANSIT ADMINISTRATION:

1. CONSTRUCTION

Track rehabilitation	Various	(23,500,000)
Tunnel and bridge rehabilitation	Various	(9,600,000)
Signals and communication/electric traction system	Various	(9,770,000)
Rail support facilities and equipment	Various	(20,400,000)
New York, Susquehanna and Western, Passaic bridge rehabilitation/Paterson station improvements	Sussex	(6,660,000)
Hoboken Terminal	Hudson	(7,000,000)
Newark Penn Station	Essex	(4,000,000)
Rail passenger stations/terminals	Various	(14,060,000)
Environmental compliance	Various	(2,670,000)
Accessibility for people with disabilities, high-level platforms/stations	Various	(13,900,000)

	Secaucus Transfer	Hudson	(21,330,000)
	Penn Station, New York, improvements	New York	(15,580,000)
2.	DESIGN/ENGINEERING		
	Rail service extension	Middlesex Monmouth Ocean	(3,000,000)
	Waterfront: Corridor transit project	Hudson	(26,200,000)
3.	RIGHT-OF-WAY		
	Newark-Elizabeth rail link/ base facility	Essex Union	(10,700,000)
4.	CAPITAL ACQUISITION		
	Bus replacement program	Various	(37,950,000)
	Remanufacture Arrow II rail cars	Various	(27,060,000)
	Associated rail capital maintenance	Various	(2,700,000)
	Work train locomotives	Various	(2,800,000)
	Private carrier capital improvement program	Various	(1,500,000)
	Commuter rail rolling stock	Various	(9,950,000)
5.	STATEWIDE INVESTMENTS		
	Building capital leases	Atlantic Essex Hudson	(8,220,000)
	Information services	Various	(2,400,000)
6.	OPERATING ASSISTANCE		(38,000,000)

64 Regulation and General Management

05-6070 Access and Use Management	<u>\$18,000,000</u>
Total Appropriation, Regulation and General Management	<u>\$18,000,000</u>
Special Purpose:	
Airport Fund	(\$14,000,000)
Motor Carrier Safety Assistance Program	(4,000,000)
Total Appropriation, Department of Transportation	<u>\$911,209,000</u>

98 THE JUDICIARY

10 Public Safety and Criminal Justice

15 Judicial Services

03-9720 Civil Courts	\$210,000
05-9730 Family Courts	45,784,000

11-9760 Field Operations		<u>390,000</u>
Total Appropriation, Judicial Services.....		<u>\$46,384,000</u>
Personal Services:		
Salaries and Wages	(\$1,610,000)	
Employee Benefits	(472,000)	
Materials and Supplies	(16,000)	
Services Other Than Personal.....	(65,000)	
Maintenance and Fixed Charges.....	(10,000)	
Special Purpose:		
Settling Civil Cases.....	(210,000)	
Ombudsman	(200,000)	
System for the Ongoing Evaluation of the Statewide Comprehensive Justice Center	(190,000)	
State Aid and Grants:		
Child Support and Paternity Program, Title IV-D.....	(43,602,000)	
Additions, Improvements and Equipment	(9,000)	
Total Appropriation, The Judiciary		<u>\$46,384,000</u>
Total Appropriation, Federal Funds		<u>\$5,842,460,000</u>

Notwithstanding any State law to the contrary, no State agency shall accept or expend federal funds except as appropriated by the Legislature or otherwise provided in this act.

In addition to the federal funds appropriated in this act, there are appropriated the following federal funds, subject to allotment by the Director of the Division of Budget and Accounting: emergency disaster aid funds; pass-through grants to political subdivisions of the State over which the State is not permitted to exercise discretion in the use or distribution of the funds and for which no State matching funds are required; the first 25 percent of unanticipated grant awards, and up to 25 percent of increases in previously anticipated grant awards for which no State matching funds are required except, for the purpose of this section, federal funds received by one executive agency that are ultimately expended by another executive agency shall not be considered pass-through grants; grants to State colleges, Rutgers, The State University, the University of Medicine and Dentistry of New Jersey, and the New Jersey Institute of Technology for research or other scholarly activity not related to expansion of course curricula; federal financial aid funds for students attending post secondary educational institutions in excess of the amount specifically appropriated; provided however, that the Director of the Division of Budget and Accounting shall notify the Legislative Budget and Finance Officer of such grants; and all other grants of \$300,000 or less which have been awarded competitively.

For the purposes of federal funds appropriations, "political subdivisions of the State" means counties, municipalities, school districts, or agencies thereof, regional, county or municipal authorities, or districts other than interstate authorities or districts; "discretion" refers to any action in which an agency may determine either the amount of funds to be allocated or the recipient of the allocation; and "grants" refers to one-time, or time limited awards, which are received pursuant to submission of a grant application in competition with other grant applications.

The accounts receivable balances of federal funds as of June 30, 1994 are reestablished and appropriated for the same purposes, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting who shall inform the Legislative Budget and Finance Officer by September 1, 1994 of accounts receivable balances which are established and reappropriated.

The unexpended balances of federal funds as of June 30, 1994 are appropriated for the same purposes. The Director of the Division of Budget and Accounting shall inform the Legislative Budget and Finance Officer by November 1, 1994 of any unexpended balances which are reappropriated.

The Director of the Division of Budget and Accounting shall promulgate and enforce uniform accounting procedures applicable to all State agencies receiving and expending federal funds.

The appropriate executive agencies shall prepare and submit to the Senate Budget and Appropriations Committee and the Assembly Appropriations Committee, or their successors, by March 1, 1995, reports on proposed expenditures during Fiscal Year 1996 for the following federal programs: the alcohol, drug abuse and mental health block grant; the education block grant; the community services block grant; the jobs training partnership block grant; the low income energy assistance block grant; the maternal and child health block grant; the preventive health and health services block grant; the small cities block grant; the social services block grant; and the child care block grant. These reports shall account for all federal, State and local funds which are anticipated to be expended on block grant programs, shall provide an accounting of block grant expenditures during the prior fiscal year, and shall provide a detailed list of contracts awarded to provide service under the block grants.

The amounts hereinabove appropriated are available, subject to the approval of the Director of the Division of Budget and Accounting, for the payment of obligations and the reimbursement of expenditures applicable to prior fiscal years.

Grand Total Appropriation, All Funds.....

\$21,125,617,000

2. The Director of the Division of Budget and Accounting shall make such correction of the title, text or account number of an appropriation necessary to make such appropriation available in accordance with legislative intent. Such correction shall be by written ruling, reciting in appropriate detail the facts thereof, and reasons therefor, attested by the signature of the Director of the Division of Budget and Accounting and filed in the Division of Budget and Accounting of the Department of the Treasury as an official record thereof, and any action thereunder, including disbursement and the audit thereof, shall be legally binding and of full force and virtue. An official copy of each such written ruling shall be transmitted to the Legislative Budget and Finance Officer, upon the effective date of the ruling.

3. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting and with the approval of the Legislative Budget and Finance Officer, private contributions, revolving funds and dedicated funds received or receivable or estimated to be received for the use of the State or its agencies in excess of those anticipated, unless otherwise provided herein, and the unexpended balances as of June 30, 1994 of such funds, subject to the approval of the Director of the Division of Budget and Accounting.

4. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, the following: sums required to refund amounts credited to the State Treasury which do not represent State revenue; sums received representing insurance to cover losses by fire and other casualties and the unexpended balance as of June 30, 1994 of such sums; sums received by any State department or agency from the sale of equipment, when such sums are received in lieu of trade-in value in the replacement of such equipment; and sums received in the State Treasury representing refunds of payments made from appropriations provided in this act.

5. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, sums required to satisfy receivables previously established from which non-reimbursable costs and ineligible expenditures have been incurred.

6. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, from federal or other non-State sources amounts not to exceed the cost of services necessary to document and support retroactive claims.

7. There are appropriated such sums as may be required for the collection services with regard to debts owed to the State, subject to allotment by the Director of the Division of Budget and Accounting.

8. The unexpended balances as of June 30, 1994 in the accounts of the several departments and agencies heretofore appropriated or established in the category of Additions, Improvements and Equipment are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

9. Unless otherwise provided, balances remaining as of June 30, 1994 in accounts of appropriations enacted subsequent to April 1, 1994 are appropriated.

10. a. To permit flexibility in the handling of appropriations, any department or agency that receives an appropriation by law, may, subject to the provisions of this section, or unless otherwise provided in this act, apply to the Director of the Division of Budget and Accounting for permission to transfer funds from one item of appropriation to a different item of appropriation. For the purposes of this section, "item of appropriation" means the spending authority identified by an organization code, fund code, as defined by the appropriation unit, and program code, as defined by the appropriation unit, unique to the item. If the director consents to the transfer, the amount transferred shall be credited by the director to the designated item of appropriation and notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer. However, the director, after consenting thereto, shall submit the following transfer requests to the Legislative Budget and Finance Officer for legislative approval or disapproval unless otherwise provided in this act:

(1) Requests for the transfer of State and other nonfederal funds, in amounts greater than \$300,000, to or from any item of appropriation;

(2) Requests for the transfer of State funds, in amounts greater than \$300,000, to or from any account within an item of appropriation in which the unexpended balances are reappropriated in this act, or which is otherwise designated as a carry-forward account;

(3) Requests for the transfer of State and other nonfederal funds, in amounts greater than \$10,000, to or from any Special Purpose or Grant account within an item of appropriation, from or to a different item of appropriation;

(4) Requests for the transfer of State and other nonfederal funds, in amounts greater than \$10,000, to or from any Special Purpose or Grant account in which the identifying organization code, fund code, as defined by the appropriation unit, and program code, as defined by the appropriation unit, remain the same, provided that the transfer would effect a change in the legislative intent of the appropriations;

(5) Requests for the transfer of State funds, in amounts greater than \$10,000, between items of appropriation in different departments or between items of appropriation in different appropriation classifications herein entitled as Direct State Services, Grants-In-Aid, State Aid, Capital Construction and Debt Service;

(6) Requests for the transfer of federal funds, in amounts greater than \$10,000, from one item of appropriation to another item of appropriation, if the amount of the transfer to an item in combination with the amount of the appropriation to that item would result in an amount in excess of the appropriation authority for that item;

(7) Requests for the transfer of federal funds, in amounts greater than \$10,000, to or from any Special Purpose or State Aid and Grants account within an item of appropriation, from or to a different item of appropriation;

(8) Requests for the transfer of federal funds, in amounts greater than \$10,000, to or from any Special Purpose or State Aid and Grants account, in which the identifying organization code, fund code and program code remain the same, provided that the transfer would effect a change in the legislative intent of the appropriations; and

(9) Requests for such other transfers as are appropriate in order to ensure compliance with the legislative intent of this act.

b. The Joint Budget Oversight Committee or its successor may review all transfer requests submitted for legislative approval and

may direct the Legislative Budget and Finance Officer to approve or disapprove any such transfer request. Transfers submitted for legislative approval pursuant to paragraph (5) of subsection a. of this section shall be made only if approved by the Legislative Budget and Finance Officer at the direction of the committee.

c. The Legislative Budget and Finance Officer shall approve or disapprove requests for the transfer of funds submitted for legislative approval within 10 working days of the physical receipt thereof and shall return them to the director. If any provision of this act or any supplement thereto requires the Legislative Budget and Finance Officer to approve or disapprove requests for the transfer of funds, the request shall be deemed to be approved by the Legislative Budget and Finance Officer if, within 20 working days of the physical receipt of the request, he has not disapproved the request and so notified the requesting officer. However, this time period shall not pertain to any transfer request under review by the Joint Budget Oversight Committee or its successor, provided notice of such review has been given to the director.

d. No amount appropriated for any capital improvement shall be used for any temporary purpose except extraordinary snow removal or extraordinary transportation maintenance subject to the approval of the Director of the Division of Budget and Accounting. However, an amount from any appropriation for an item of capital improvement may be transferred to any other item of capital improvement subject to the approval of the director, and, if in an amount greater than \$300,000, subject to the approval of the Legislative Budget and Finance Officer.

e. The provisions of subsections a. through d. of this section shall not apply to appropriations made to the Legislative branch of State government. To permit flexibility in the handling of these appropriations, amounts may be transferred to and from the various items of appropriation by the appropriate officer or his designee with notification given to the director on the effective date thereof.

f. Notwithstanding any provisions of this section to the contrary, transfers to and from the Special Purpose appropriation to the Governor for allotment to meet any condition of emergency or necessity under the State Contingency Fund and transfers from the appropriations to the various accounts in the category of Salary and Other Benefits, both in the Inter-Departmental Accounts, shall not be subject to legislative approval or disapproval.

11. When the duties or responsibilities of any department or branch, except for the Legislature and any of its agencies, are transferred to any other department or branch, it shall be the duty of the Director of the Division of Budget and Accounting and the director is hereby empowered to transfer funds appropriated for the maintenance and operation of any such department or branch to such department or branch as shall be charged with the responsibility of administering the functions so transferred. The Director of the Division of Budget and Accounting shall have the authority to create such new accounts as may be necessary to carry out the intent of the transfer. Information copies of such transfers shall be transmitted to the Legislative Budget and Finance Officer upon the effective date thereof. If such transfers may be required among appropriations made to the Legislature and its agencies, the Legislative Budget and Finance Officer, subject to the approval of the President of the Senate and the Speaker of the General Assembly, is hereby empowered and it shall be that officer's duty to effect such transactions hereinabove described and to notify the Director of the Division of Budget and Accounting upon the effective date thereof.

12. The Director of the Division of Budget and Accounting is empowered and it shall be the director's duty in the disbursement of funds for payment of expenses classified as employee benefits, debt service, rent, leased telephone, motor pool, insurance, postage, lease payments on equipment purchases and compensation awards to credit or transfer to the Department of the Treasury, to an Inter-Departmental account, or to the General Fund, as applicable, from any other department, branch or non-State fund source out of funds appropriated thereto, such sums as may be required to cover the costs of such payment attributable to such other department, branch or non-State fund source as the director shall determine. Receipts in any non-State funds are appropriated for the purpose of such transfer.

13. The Director of the Division of Budget and Accounting is empowered to establish revolving and dedicated funds as required. Notice of the establishment of such funds shall be transmitted to the Legislative Budget and Finance Officer, upon the effective date thereof.

14. The Governor is empowered to direct the State Treasurer to transfer from any State department to any other State department such sums as may be necessary for the cost of any emergency occasioned by aggression, civil disturbance, sabotage, disaster, or for flood loss expenses for State owned structures to comply with Federal Insurance Administration requirements.

15. Upon request of any department receiving non-State funds, the Director of the Division of Budget and Accounting is empowered to transfer such funds from that department to other departments as may be charged with the responsibility for the expenditure thereof.

16. From appropriations to the various departments of State government, the Director of the Division of Budget and Accounting is empowered to transfer sums sufficient to pay any obligation due and owing in any other department or agency.

17. Notwithstanding the provision of any other law, the State Treasurer may transfer from any fund in his custody, deposited with him pursuant to law, sufficient sums to enable payments from any appropriation made herein for any obligations due and owing. Any such transfer shall be restored out of the taxes or other revenue received in the Treasury in support of this act. Except for transfers from the several funds whose statutes provide for interest earnings to accrue to the fund, all such transfers shall be without interest. When the statute provides for interest earnings, it shall be calculated at the average rate of earnings during the fiscal year from the State's general investments.

18. Unless otherwise provided, federal grant and project receipts representing reimbursement for agency and central support services, indirect and administrative costs, as determined by the Director of the Division of Budget and Accounting, shall be transmitted to the Department of the Treasury for credit to the General Fund; provided however, that a portion of the indirect and administrative cost recoveries received which are in excess of the amount anticipated may be reclassified into a dedicated account and returned to State departments and agencies, as determined by the Director of the Division of Budget and Accounting, who shall notify the Legislative Budget and Finance Officer of the amount of such funds returned, the departments or agencies

receiving such funds and the purpose for which such funds will be used, within 10 working days of any such transaction. Such receipts shall be forwarded to the Director of the Division of Budget and Accounting upon completion of the project or at the end of the fiscal year, whichever occurs earlier.

19. Notwithstanding the provisions of P.L.1954, c.48 (C.52:34-6 et seq.), sums appropriated for services for the various State departments and agencies may be expended for the purchase of contract services from the New Jersey Marine Sciences Consortium and New Jersey Education Computer Network (NJEEN) as if they were State government agencies pursuant to subsection (a) of section 5 of P.L.1954, c.48 (C.52:34-10); provided however, that any expenditure with NJEEN shall be subject to the prior approval of the Director of the Division of Budget and Accounting.

20. The Director of the Division of Budget and Accounting may settle any claim not exceeding \$1,000 due and owing to the State.

21. Notwithstanding any other provisions of this act, the State Treasurer, upon warrant of the Director of the Division of Budget and Accounting, shall pay any claim not exceeding \$2,000 out of any appropriations made to the several departments, provided such claim is recommended for payment by the head of such department. The Legislative Budget and Finance Officer shall be notified of the amount and description of any such claim at the time such payment is made. Any claimant who has presented a claim not exceeding \$2,000, which has been denied or not recommended by the head of such department, shall be precluded from presenting said claim to the Legislature for consideration.

22. Out of the appropriations herein, the Director of the Division of Budget and Accounting is empowered to approve payments to liquidate any unrecorded liabilities for materials delivered or services rendered in prior fiscal years, upon the written recommendation of any department head, or his designated representative. The Director of the Division of Budget and Accounting shall reject any recommendations for payment which he deems improper.

23. The Director of the Division of Budget and Accounting may, upon application therefor, allot from appropriations made to

any official, department, commission or board, a sum to establish a petty cash fund for the payment of expenses under rules and regulations established by the director. Allotments thus made by the Director of the Division of Budget and Accounting shall be paid to such person as shall be designated as the custodian thereof by the official, department, commission or board making a request therefor, and the money thus allotted shall be disbursed by such custodian who shall require a receipt therefor from all persons obtaining money from the fund. The director shall make regulations governing disbursement from petty cash funds.

24. The Legislative Budget and Finance Officer with the cooperation and assistance of the Director of the Division of Budget and Accounting is authorized to adjust this appropriations bill to reflect any reorganizations which have been implemented since the presentation of the Governor's Budget Recommendation Document dated March 15, 1994.

25. State agencies shall prepare and submit a copy of their agency or departmental budget requests for Fiscal Year 1996 by October 1, 1994 and a copy of their spending plans involving all State, federal and other non-State funds to the Director of the Division of Budget and Accounting and the Legislative Budget and Finance Officer by November 1, 1994, and updated spending plans on February 1, and May 1, 1995. The spending plans shall account for any changes in departmental spending which differ from this appropriation act and all supplements to this act. The spending plans shall be submitted on forms specified by the Director of the Division of Budget and Accounting.

26. The Director of the Division of Budget and Accounting is empowered to transfer or credit appropriations to any State agency for services provided, or to be provided, by that agency to any other agency or department; provided further, however, that funds have been appropriated or allocated to such agency or department for the purpose of purchasing these services.

27. The Director of the Division of Budget and Accounting shall provide the Legislative Budget and Finance Officer with copies of all BB-4s, Application for Non-State funds, and accompanying project proposals or grant applications, with the exception of research grants awarded to State colleges, which do

not require a State match and which will not commit or require State support after the grant's expiration, prior to the director's approval or disapproval of the application.

28. Notwithstanding the provisions of P.L.1943, c.188 (C.52:14-17.1 et seq.), the rate of reimbursement for mileage allowed for employees traveling by personal automobile on official business shall be \$.25 per mile.

29. Notwithstanding any other provisions in this act, other than those provisions which specifically identify this section and provide to the contrary, no unexpended balances as of June 30, 1994 are appropriated without the approval of the Director of the Division of Budget and Accounting, except that the Legislative Branch of State government shall be exempt from this provision.

30. There are appropriated, subject to the approval of the Director of the Division of Budget and Accounting, from interest earnings of the various bond funds, such sums as may be necessary for the State to comply with the federal "Tax Reform Act of 1986," Pub.L.99-514 (26 U.S.C. §1 et seq.) which requires issuers of tax-exempt debt obligations to rebate any arbitrage earnings to the federal government.

31. In order to provide effective cash flow management for revenues and expenditures of the General Fund and the Property Tax Relief Fund to implement the Fiscal Year 1995 annual appropriations act, there are appropriated from the General Fund such sums as may be required to pay the principal of and interest on tax and revenue anticipation notes including notes in the form of commercial paper (hereinafter collectively referred to as short-term notes), together with any costs or obligations relating to the issuance thereof or contracts related thereto, according to the terms set forth herein. Provided further that, to the extent that short-term notes are issued for cash flow management purposes in connection with the Property Tax Relief Fund, there are appropriated from the Property Tax Relief Fund such sums as may be required to pay the principal of those short-term notes.

32. The State Treasurer is authorized to issue in Fiscal Year 1995 short-term notes, which notes shall not constitute a general obligation of the State or a debt or a liability within the meaning

of the State Constitution. Such short-term notes shall mature and be paid in Fiscal Year 1995 and the State Treasurer is authorized to pay any costs or obligations relating to the issuance of such short-term notes or contracts relating thereto. Such short-term notes shall be issued in such amounts and at such times during Fiscal Year 1995 as the State Treasurer shall deem necessary for the above stated purposes and for the payment of related costs, and on such terms and conditions, sold in such manner and at such prices, bearing interest at such fixed or variable rate or rates, renewable at such time or times, and entitled to such security, and using such paying agents as shall be determined by the State Treasurer. The State Treasurer is authorized to enter into such contracts and to take such other actions, all as determined by the State Treasurer to be appropriate to carry out the above cash flow management purposes. The State Treasurer shall give consideration to New Jersey-based vendors in entering into such contracts during Fiscal Year 1995. Whenever the State Treasurer issues such short-term notes, the State Treasurer shall report on each such issuance to the Chairman of the Senate Budget and Appropriations Committee and the Chairman of the Assembly Appropriations Committee.

33. Such sums as may be necessary are appropriated from delinquent tax judgments, delinquent student loans, administrative fines and penalties, unclaimed property, escheats, overpayments of State entitlements and other debts owing to the State or its agencies collected or recovered by the Division of Taxation and the Unclaimed Property/Escheats Unit in the Department of the Treasury or by the Division of Law in the Department of Law and Public Safety or any other unit of State government to fund the cost of auditors, attorneys and other staff and other costs in such divisions or units incurred in order to collect or recover these funds, subject to the approval of the Director of the Division of Budget and Accounting. The Director of the Division of Budget and Accounting shall provide the Joint Budget Oversight Committee or its successor, with written reports on October 20, 1994, January 20, 1995, April 20, 1995 and July 20, 1995 of the amount of such collections and recoveries itemized by type of debt and the detailed appropriation and expenditure of such sums within each agency.

34. None of the funds appropriated to the Executive Branch of State government for Information Processing, Development, Tele-

communications, and Related Services (External), Information Processing-Internal, and Information Processing and Telecommunications Equipment shall be available to pay for any information processing services or equipment without the review of the Office of Telecommunications and Information Systems and compliance with Statewide policies and standards; authorization and approval by the Office of Telecommunications and Information Systems is required for expenditure of amounts in excess of \$8,000.

35. There are appropriated such sums as may be required to pay interest liabilities to the federal government as required by the Treasury/State agreement pursuant to the provisions of the Cash Management Improvement Act of 1990, subject to the approval of the Director of the Division of Budget and Accounting.

36. There is appropriated \$4,000,000 from the Alcohol Education Rehabilitation and Enforcement Fund for transfer to the General Fund as State revenue.

37. There is appropriated \$11,000,000 from the Boarding House Rental Assistance Fund for transfer to the Casino Revenue Fund.

38. There is appropriated \$12,000,000 from the Sanitary Land-fill Facility Contingency Fund for transfer to the General Fund as State revenue.

39. There is appropriated \$10,600,000 from the Clean Communities Account fund for transfer to the General Fund as State revenue.

40. Notwithstanding the provisions of P.L.1983, c.303 (C.52:27H-60), there is appropriated \$15,000,000 from the enterprise zone assistance fund for transfer to the General Fund as State revenue. Each of the municipalities in which an enterprise zone is designated whose separate account is enterprise zone assistance fund was reduced shall be entitled to receive such additional sums, not to exceed 100% of the annual sales tax revenue collected by certified vendors in their individual zones, to be distributed in an amount not to exceed: Bridgeton (\$690,000), Camden (\$225,000), Elizabeth (\$3,300,000), Jersey City (\$3,870,000), Kearny (\$780,000), Millville (\$285,000), Newark (\$1,680,000), Orange (\$285,000), Plainfield (\$435,000), Trenton

(\$795,000), Vineland (\$2,655,000), subject to the approval of the Director of the Division of Budget and Accounting.

41. There is appropriated \$2,000,000 from the Pollution Prevention Fund for transfer to the General Fund as State revenue.

42. There is appropriated \$4,000,000 from the "Safe Drinking Water Fund" for transfer to the General Fund as State revenue.

43. There is appropriated \$14,300,000 from the State Recycling Fund for transfer to the General Fund as State revenue.

44. There is appropriated \$5,000,000 from the alternate benefit long-term disability fund for transfer to the General Fund as State revenue.

45. There is appropriated \$12,000,000 from the Sanitary Land-fill Facility Contingency Fund for transfer to the General Fund as State revenue.

46. There is appropriated \$105,000,000 from the State disability benefits fund as a loan to the General Fund as State revenue, and furthermore, notwithstanding the provisions of P.L.1990, c.94 (C.52:9H-24 et seq.) the sum of \$105,000,000 or such other specific amount as shall be determined by the Director of the Division of Budget and Accounting is appropriated for final payment to the unemployment compensation fund of those funds previously credited to the Uncompensated Care Offset Account under the provisions of section 30 of P.L.1989, c.122, the Fiscal Year 1990 appropriations act.

47. The unexpended balances as of June 30, 1994 in accounts that are funded by Interfund Transfers are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

48. The Director of the Division of Budget and Accounting shall submit to the Legislative Budget and Finance Officer, at the time of delivery of the Governor's Recommended Budget Document to the Legislature a copy of the Integrated Planning and Budget System Salary Detail Worksheets for the Governor's Fiscal Year 1996 Recommended Budget for each department and for each program class within each department, showing the gross salary requirements, adjustments taken against the gross salary

requirements and positions recommended and funded for Fiscal Year 1995 and Fiscal Year 1996. The Director of the Division of Budget and Accounting shall submit to the Legislative Budget and Finance Officer, copies of job 1824-Count of positions on budget bureau complement expenditure file as of pay period 5 and pay period 11 within ten days after the end of the pay period showing all positions filled and vacant from all funding sources for budgeted, non-budgeted, special services, summer seasonal and non-State positions, job 1068-Report of paychecks issued for all departments and institutions, all position types, and all funding sources as of February 1, 1995 and May 15, 1995 within ten days of those reports, and the Office of Management and Budget fulltime, employee counts per pay period report for each pay period in Fiscal Year 1995.

49. This act shall take effect July 1, 1994.

Approved June 30, 1994.

CHAPTER 68

Note: In approving the following act, certain items were deleted or reduced by the Governor. For a statement of those items, see the Governor's statement appended to Senate Bill No. 3001, dated June 30, 1994.

AN ACT to amend "An Act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1995 and regulating the disbursement thereof," P.L.1994, c. (Now pending before the Legislature as Senate, No.3000 or Assembly, No.2000 of 1994).

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

1. Section 1 of P.L.1994, c.67, the Fiscal Year 1995 annual appropriations act, on page 27, at lines 34 through 39, is amended to read as follows:

DIRECT STATE SERVICES
 26 DEPARTMENT OF CORRECTIONS
 10 *Public Safety and Criminal Justice*
 16 *Detention and Rehabilitation*
 7025 *System-Wide Program Support*

2. Section 1 of P.L.1994, c.67, the Fiscal Year 1995 annual appropriations act, on page 128, at lines 14 through 17, is amended to read as follows:

GRANTS-IN-AID
 54 DEPARTMENT OF HUMAN SERVICES
 55 *Social Services Programs*
 7570 *Division of Youth and Family Services--Grants-In-Aid*

3. Section 1 of P.L.1994, c.67, the Fiscal Year 1995 annual appropriations act, on page 132, at line 50, and on page 133, at lines 23 through 25, is amended to read as follows:

STATE AID
 22 DEPARTMENT OF COMMUNITY AFFAIRS
 40 *Community Development and Environmental Management*
 41 *Community Development Management--State Aid*

State Aid:

Legislative Initiative Municipal
 Block Grant Program.....(33,000,000)

The amount hereinabove for the Legislative Initiative Municipal Block Grant Program shall be distributed to municipalities on or before September 1, 1994 in proportion to the number of residents of each municipality as determined pursuant to the 1990 federal census. The payment of Legislative Initiative Municipal Block Grant Program aid shall be used solely and exclusively by each municipality for the purpose of reducing the amount the municipality is required to raise by local property tax levy for municipal purposes. If the amount of the payment exceeds the amount required to be raised by local property tax levy for municipal purposes, the balance of the payment shall be used to reduce the amount the municipality is required to raise for county purposes, notwithstanding the provisions of law to the contrary. Notwithstanding any provisions of the "Local Budget Law," N.J.S.40A:4-1 et seq., each municipality may anticipate the receipt of the amount of the payment

as shall be certified to it by the Director of the Division of Local Government Services in the Department of Community Affairs and shall file any amendment or correction in its local budget as may be required to properly reflect that payment. The Director of the Division of Local Government Services in the Department of Community Affairs shall compile a list of the certified payments for all municipalities and shall provide a copy of that list to the Governor, the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee. The Director of the Division of Local Government Services in the Department of Community Affairs shall certify that each municipality has complied with the requirements set forth herein.

4. Section 1 of P.L.1994, c.67, the Fiscal Year 1995 annual appropriations act, on page 173, at lines 37 through 39, is amended to read as follows:

PROPERTY TAX RELIEF FUND

Total Appropriation, State Aid	<u>\$4,256,427,000</u>
Total Appropriation, Property Tax Relief Fund	<u>\$4,575,327,000</u>

5. Section 1 of P.L.1994, c.67, the Fiscal Year 1995 annual appropriations act, on page 180, at line 9, line 21 and line 55, is amended to read as follows:

**CASINO REVENUE FUND
GRANTS - IN - AID
54 DEPARTMENT OF HUMAN SERVICES**

Total Appropriation, Department of Human Services.....	<u>\$259,058,000</u>
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**CASINO REVENUE FUND
GRANTS - IN - AID**

Total Appropriation, Grants-In-Aid-- Casino Revenue Fund	<u>\$270,838,000</u>
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CASINO REVENUE FUND

Total Appropriation, Casino Revenue Fund	<u>\$320,894,000</u>
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6. Section 40 of P.L.1994, c.67, the Fiscal Year 1995 annual appropriations act, on page 234, is amended to read as follows:

40. Notwithstanding the provisions of P.L.1983, c.303 (C.52:27H-60), there is appropriated \$15,000,000 from the enterprise zone assistance fund for transfer to the General Fund as State revenue. Each of the municipalities in which an enterprise zone is designated whose separate account in the enterprise zone assistance fund was reduced shall be entitled to receive such additional sums, not to exceed 100% of the annual sales tax revenue collected by certified vendors in their individual zones, to be distributed in an amount not to exceed: Bridgeton (\$690,000), Camden (\$225,000), Elizabeth (\$3,300,000), Jersey City (\$3,870,000), Kearny (\$780,000), Millville (\$285,000), Newark (\$1,680,000), Orange (\$285,000), Plainfield (\$435,000), Trenton (\$795,000), Vineland (\$2,655,000), subject to the approval of the Director of the Division of Budget and Accounting.

7. Section 45 of P.L.1994, c.67, the Fiscal Year 1995 annual appropriations act, is repealed.

8. This act shall take effect immediately and if enacted after July 1, 1994, shall be retroactive to that date.

Approved June 30, 1994.

CHAPTER 69

AN ACT decreasing the rates of taxation under the gross income tax, amending N.J.S.54A:2-1.

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

1. N.J.S.54A:2-1 is amended to read as follows:

Imposition of tax.

54A:2-1. Imposition of tax. There is hereby imposed a tax for each taxable year (which shall be the same as the taxable year for federal income tax purposes) on the New Jersey gross income as

herein defined of every individual, estate or trust (other than a charitable trust or a trust forming part of a pension or profit-sharing plan), subject to the deductions, limitations and modifications hereinafter provided, determined in accordance with the following tables with respect to taxpayers' taxable income:

a. For married individuals filing a joint return and individuals filing as head of household or as surviving spouse for federal income tax purposes:

(1) for taxable years beginning on or after January 1, 1991 but before January 1, 1994:

If the taxable income is:	The tax is:
Not over \$20,000.00	2% of taxable income
Over \$20,000.00 but not over \$50,000.00	\$400.00 plus 2.5% of the excess over \$20,000.00
Over \$50,000.00 but not over \$70,000.00	\$1,150.00 plus 3.5% of the excess over \$50,000.00
Over \$70,000.00 but not over \$80,000.00	\$1,850.00 plus 5.0% of the excess over \$70,000.00
Over \$80,000.00 but not over \$150,000.00	\$2,350.00 plus 6.5% of the excess over \$80,000.00
Over \$150,000.00	\$6,900.00 plus 7.0% of the excess over \$150,000.00

(2) for taxable years beginning on or after January 1, 1994 but before January 1, 1995:

If the taxable income is:	The tax is:
Not over \$20,000.00.....	1.900% of taxable income
Over \$20,000.00 but not over \$50,000.00	\$380.00 plus 2.375% of the excess over \$20,000.00

Over \$50,000.00 but not over \$70,000.00	\$1,092.50 plus 3.325% of the excess over \$50,000.00
Over \$70,000.00 but not over \$80,000.00	\$1,757.50 plus 4.750% of the excess over \$70,000.00
Over \$80,000.00 but not over \$150,000.00	\$2,232.50 plus 6.175% of the excess over \$80,000.00
Over \$150,000.00	\$6,555.00 plus 6.650% of the excess over \$150,000.00

(3) for taxable years beginning on or after January 1, 1995:

If the taxable income is:	The tax is:
Not over \$20,000.00	1.700% of taxable income
Over \$20,000.00 but not over \$50,000.00	\$340.00 plus 2.125% of the excess over \$20,000.00
Over \$50,000.00 but not over \$70,000.00	\$977.50 plus 2.975% of the excess over \$50,000.00
Over \$70,000.00 but not over \$80,000.00	\$1,572.50 plus 4.250% of the excess over \$70,000.00
Over \$80,000.00 but not over \$150,000.00	\$1,997.50 plus 6.013% of the excess over \$80,000.00
Over \$150,000.00	\$6,206.60 plus 6.580% of the excess over \$150,000.00

b. For married individuals filing separately, unmarried individuals other than individuals filing as head of household or as a surviving spouse for federal income tax purposes, and estates and trusts:

(1) for taxable years beginning on or after January 1, 1991 but before January 1, 1994:

If the taxable income is:	The tax is:
Not over \$20,000.00	2% of taxable income
Over \$20,000.00 but not over \$35,000.00	\$400.00 plus 2.5% of the excess over \$20,000.00
Over \$35,000.00 but not over \$40,000.00	\$775.00 plus 5.0% of the excess over \$35,000.00
Over \$40,000.00 but not over \$75,000.00	\$1,025.00 plus 6.5% of the excess over \$40,000.00
Over \$75,000.00	\$3,300.00 plus 7.0% of the excess over \$75,000.00

(2) for taxable years beginning on or after January 1, 1994 but before January 1, 1995:

If the taxable income is:	The tax is:
Not over \$20,000.00	1.900% of taxable income
Over \$20,000.00 but not over \$35,000.00	\$380.00 plus 2.375% of the excess over \$20,000.00
Over \$35,000.00 but not over \$40,000.00	\$736.25 plus 4.750% of the excess over \$35,000.00
Over \$40,000.00 but not over \$75,000.00	\$973.75 plus 6.175% of the excess over \$40,000.00
Over \$75,000.00	\$3,135.00 plus 6.650% of the excess over \$75,000.00

(3) for taxable years beginning on or after January 1, 1995:

If the taxable income is:	The tax is:
Not over \$20,000.00	1.700% of taxable income
Over \$20,000.00 but not over \$35,000.00	\$340.00 plus 2.125% of the excess over \$20,000.00
Over \$35,000.00 but not over \$40,000.00	\$658.75 plus 4.250% of the excess over \$35,000.00
Over \$40,000.00 but not over \$75,000.00	\$871.25 plus 6.013% of the excess over \$40,000.00
Over \$75,000.00	\$2,975.80 plus 6.580% of the excess over \$75,000.00

c. For the purposes of this section, an individual who would be eligible to file as a head of household for federal income tax purposes but for the fact that such taxpayer is a nonresident alien, shall determine tax pursuant to subsection a. of this section.

2. This act shall take effect immediately.

Approved July 6, 1994.

CHAPTER 70

AN ACT concerning certain payments to the Atlantic City Race-track and amending P.L.1992, c.19.

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

1. Section 16 of P.L.1992, c.19 (C.5:12-206) is amended to read as follows:

C.5:12-206 Payment to Atlantic City Racetrack.

16. Payment to the Atlantic City Racetrack of sums provided by subsection c. of section 13 or subsection a. of section 15 of this act shall be made after the conclusion of each month in the remainder of calendar year 1994 and in calendar year 1995, except that the first monthly payment to be made shall include all such sums due to the racetrack for the previous months of the relevant calendar year. In order to be eligible to receive the amounts provided by those subsections, the Atlantic City Racetrack shall not receive any simulcast horse race under the provisions of the "Simulcasting Racing Act," P.L.1985, c.269 (C.5:5-110 et seq.) or the provisions of section 37 of this act during any part of an applicable calendar year, or if casino simulcasting in Atlantic City begins after January 1, 1993 and before January 1, 1994 then during any part of 1993 after the commencement of casino simulcasting in Atlantic City, other than when a horse race meeting is being conducted at Atlantic City Racetrack pursuant to a permit issued by the New Jersey Racing Commission. If the Atlantic City Racetrack becomes ineligible during a calendar year to receive the amount provided by subsection c. of section 13 or subsection a. of section 15 of P.L.1992, c.19 (C.5:12-203 and 5:12-205), the monthly payments shall terminate and the Atlantic City Racetrack shall reimburse the New Jersey Racing Commission for the amount previously received in that calendar year. If the Atlantic City Racetrack is not eligible to receive the amount provided by subsection c. of section 13, that amount shall be distributed on the basis of subsections d. and g. of section 13 of this act.

2. This act shall take effect immediately.

Approved July 7, 1994.

CHAPTER 71

AN ACT to permit terms of not more than forty years for agreements entered into pursuant to the "County and Municipal Water Supply Act," N.J.S.40A:31-1 et seq., and amending P.L.1971, c.198.

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

1. Section 15 of P.L.1971, c.198 (C.40A:11-15) is amended to read as follows:

C.40A:11-15 Duration of certain contracts.

15. All purchases, contracts or agreements for the performing of work or the furnishing of materials, supplies or services shall be made for a period not to exceed 12 consecutive months, except that contracts or agreements may be entered into for longer periods of time as follows:

(1) Supplying of:

(a) Fuel for heating purposes, for any term not exceeding in the aggregate, two years;

(b) Fuel or oil for use of airplanes, automobiles, motor vehicles or equipment for any term not exceeding in the aggregate, two years;

(c) Thermal energy produced by a cogeneration facility, for use for heating or air conditioning or both, for any term not exceeding 40 years, when the contract is approved by the Board of Regulatory Commissioners. For the purposes of this paragraph, "cogeneration" means the simultaneous production in one facility of electric power and other forms of useful energy such as heating or process steam;

(2) (Deleted by amendment, P.L.1977, c.53.)

(3) The collection and disposal of municipal solid waste, the collection and disposition of recyclable material, or the disposal of sewage sludge, for any term not exceeding in the aggregate, five years;

(4) The collection and recycling of methane gas from a sanitary landfill facility, for any term not exceeding 25 years, when such contract is in conformance with a solid waste management plan approved pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.), and with the approval of the Division of Local Government Services in the Department of Community Affairs and the Department of Environmental Protection. The contracting unit shall award the contract to the highest responsible bidder, notwithstanding that the contract price may be in excess of the amount of any necessarily related administrative expenses; except that if the contract requires the contracting unit to expend funds only, the contracting unit shall award the contract to the lowest responsible bidder. The approval by the Division of Local Government Services of public bidding requirements shall not be required for those contracts exempted therefrom pursuant to section 5 of P.L.1971, c.198 (C.40A:11-5);

(5) Data processing service, for any term of not more than three years;

(6) Insurance, for any term of not more than three years;

(7) Leasing or servicing of automobiles, motor vehicles, machinery and equipment of every nature and kind, for a period not to exceed three years; provided, however, such contracts shall be entered into only subject to and in accordance with the rules and regulations promulgated by the Director of the Division of Local Government Services of the Department of Community Affairs;

(8) The supplying of any product or the rendering of any service by a telephone company which is subject to the jurisdiction of the Board of Regulatory Commissioners for a term not exceeding five years;

(9) Any single project for the construction, reconstruction or rehabilitation of any public building, structure or facility, or any public works project, including the retention of the services of any architect or engineer in connection therewith, for the length of time authorized and necessary for the completion of the actual construction;

(10) The providing of food services for any term not exceeding three years;

(11) On-site inspections undertaken by private agencies pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) for any term of not more than three years;

(12) The performance of work or services or the furnishing of materials or supplies for the purpose of conserving energy in buildings owned by, or operations conducted by, the contracting unit, the entire price of which to be established as a percentage of the resultant savings in energy costs, for a term not to exceed 10 years; provided, however, that such contracts shall be entered into only subject to and in accordance with rules and regulations promulgated by the Department of Environmental Protection establishing a methodology for computing energy cost savings;

(13) The performance of work or services or the furnishing of materials or supplies for the purpose of elevator maintenance for any term not exceeding three years;

(14) Leasing or servicing of electronic communications equipment for a period not to exceed five years; provided, however, such contract shall be entered into only subject to and in accordance with the rules and regulations promulgated by the Director of the Division of Local Government Services of the Department of Community Affairs;

(15) Leasing of motor vehicles, machinery and other equipment primarily used to fight fires, for a term not to exceed seven years, when the contract includes an option to purchase, subject to and in accordance with rules and regulations promulgated by the

Director of the Division of Local Government Services of the Department of Community Affairs;

(16) The provision of water supply services or the designing, financing, construction, operation, or maintenance, or any combination thereof, of a water supply facility, or any component part or parts thereof, including a water filtration system, for a period not to exceed 40 years, when the contract for these services is approved by the Division of Local Government Services in the Department of Community Affairs, the Board of Regulatory Commissioners, and the Department of Environmental Protection pursuant to P.L.1985, c.37 (C.58:26-1 et al.), except for those contracts otherwise exempted pursuant to subsection (30) or (31) of this section. For the purposes of this subsection, "water supply services" means any service provided by a water supply facility; "water filtration system" means any equipment, plants, structures, machinery, apparatus, or land, or any combination thereof, acquired, used, constructed, rehabilitated, or operated for the collection, impoundment, storage, improvement, filtration, or other treatment of drinking water for the purposes of purifying and enhancing water quality and insuring its potability prior to the distribution of the drinking water to the general public for human consumption, including plants and works, and other personal property and appurtenances necessary for their use or operation; and "water supply facility" means and refers to the real property and the plants, structures, interconnections between existing water supply facilities, machinery and equipment and other property, real, personal and mixed, acquired, constructed or operated, or to be acquired, constructed or operated, in whole or in part by or on behalf of a political subdivision of the State or any agency thereof, for the purpose of augmenting the natural water resources of the State and making available an increased supply of water for all uses, or of conserving existing water resources, and any and all appurtenances necessary, useful or convenient for the collecting, impounding, storing, improving, treating, filtering, conserving or transmitting of water and for the preservation and protection of these resources and facilities and providing for the conservation and development of future water supply resources;

(17) The provision of solid waste disposal services by a resource recovery facility, the furnishing of products of a resource recovery facility, the disposal of the solid waste delivered for disposal which cannot be processed by a resource recovery facility or the waste products resulting from the opera-

tion of a resource recovery facility, including hazardous waste and recovered metals and other materials for reuse, or the design, financing, construction, operation or maintenance of a resource recovery facility for a period not to exceed 40 years when the contract is approved by the Division of Local Government Services in the Department of Community Affairs, the Board of Regulatory Commissioners, and the Department of Environmental Protection; and when the facility is in conformance with a solid waste management plan approved pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.). For the purposes of this subsection, "resource recovery facility" means a solid waste facility constructed and operated for the incineration of solid waste for energy production and the recovery of metals and other materials for reuse; or a mechanized composting facility, or any other solid waste facility constructed or operated for the collection, separation, recycling, and recovery of metals, glass, paper, and other materials for reuse or for energy production;

(18) The sale of electricity or thermal energy, or both, produced by a resource recovery facility for a period not to exceed 40 years when the contract is approved by the Board of Regulatory Commissioners, and when the facility is in conformance with a solid waste management plan approved pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.). For the purposes of this subsection, "resource recovery facility" means a solid waste facility constructed and operated for the incineration of solid waste for energy production and the recovery of metals and other materials for reuse; or a mechanized composting facility, or any other solid waste facility constructed or operated for the collection, separation, recycling, and recovery of metals, glass, paper, and other materials for reuse or for energy production;

(19) The provision of wastewater treatment services or the designing, financing, construction, operation, or maintenance, or any combination thereof, of a wastewater treatment system, or any component part or parts thereof, for a period not to exceed 40 years, when the contract for these services is approved by the Division of Local Government Services in the Department of Community Affairs and the Department of Environmental Protection pursuant to P.L.1985, c.72 (C.58:27-1 et al.). For the purposes of this subsection, "wastewater treatment services" means any services provided by a wastewater treatment system, and "wastewater treatment system" means equipment, plants, structures, machinery, apparatus, or land, or any combination thereof, acquired,

used, constructed, or operated for the storage, collection, reduction, recycling, reclamation, disposal, separation, or other treatment of wastewater or sewage sludge, or for the final disposal of residues resulting from the treatment of wastewater, including, but not limited to, pumping and ventilating stations, facilities, plants and works, connections, outfall sewers, interceptors, trunk lines, and other personal property and appurtenances necessary for their operation;

(20) The supplying of materials or services for the purpose of lighting public streets, for a term not to exceed five years, provided that the rates, fares, tariffs or charges for the supplying of electricity for that purpose are approved by the Board of Regulatory Commissioners;

(21) In the case of a contracting unit which is a county or municipality, the provision of emergency medical services by a hospital to residents of a municipality or county as appropriate for a term not to exceed five years;

(22) Towing and storage contracts, awarded pursuant to paragraph u. of subsection (1) of section 5 of P.L.1971, c.198 (C.40A:11-5) for any term not exceeding three years;

(23) Fuel for the purpose of generating electricity for a term not to exceed eight years;

(24) The purchase of electricity or administrative or dispatching services related to the transmission of such electricity, from a public utility company subject to the jurisdiction of the Board of Regulatory Commissioners, a similar regulatory body of another state, or a federal regulatory agency, or from a qualifying small power producing facility or qualifying cogeneration facility, as defined by 16 U.S.C. §796, by a contracting unit engaged in the generation of electricity for retail sale, as of the date of this amendatory act, for a term not to exceed 40 years;

(25) Basic life support services, for a period not to exceed five years. For the purposes of this subsection, "basic life support" means a basic level of prehospital care, which includes but need not be limited to patient stabilization, airway clearance, cardiopulmonary resuscitation, hemorrhage control, initial wound care and fracture stabilization;

(26) Claims administration services, for any term not to exceed three years;

(27) The provision of transportation services to elderly, disabled or indigent persons for any term of not more than three years. For the purposes of this subsection, "elderly persons" means persons who are 60 years of age or older. "Disabled persons" means

persons of any age who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, are unable, without special facilities or special planning or design to utilize mass transportation facilities and services as effectively as persons who are not so affected. "Indigent persons" means persons of any age whose income does not exceed 100 percent of the poverty level, adjusted for family size, established and adjusted under section 673(2) of subtitle B, the "Community Services Block Grant Act," Pub.L.97-35 (42 U.S.C. §9902 (2));

(28) The supplying of liquid oxygen or other chemicals, for a term not to exceed five years, when the contract includes the installation of tanks or other storage facilities by the supplier, on or near the premises of the contracting unit;

(29) The performance of patient care services by contracted medical staff at county hospitals, correction facilities and long term care facilities, for any term of not more than three years;

(30) The acquisition of an equitable interest in a water supply facility pursuant to section 2 of P.L.1993, c.381 (C.58:28-2), or an agreement entered into pursuant to the "County and Municipal Water Supply Act," N.J.S.40A:31-1 et seq., if the agreement is entered into no more than six months after the effective date of this amendatory act, P.L.1994, c.71, for any term of not more than forty years; and

(31) The provision of water supply services or the financing, construction, operation or maintenance or any combination thereof, of a water supply facility or any component part or parts thereof, by a partnership or copartnership established pursuant to a contract authorized under section 2 of P.L.1993, c.381 (C.58:28-2) for a period not to exceed 40 years.

All multiyear leases and contracts entered into pursuant to this section, except contracts for the leasing or servicing of equipment supplied by a telephone company which is subject to the jurisdiction of the Board of Regulatory Commissioners, contracts involving the supplying of electricity for the purpose of lighting public streets and contracts for thermal energy authorized pursuant to subsection (1) above, construction contracts authorized pursuant to subsection (9) above, contracts and agreements for the provision of work or the supplying of equipment to promote energy conservation authorized pursuant to subsection (12) above, contracts for water supply services or for a water supply facility, or any component part or parts thereof authorized pursuant to subsection (16) above, contracts for resource recovery services or a

resource recovery facility authorized pursuant to subsection (17) above, contracts for the sale of energy produced by a resource recovery facility authorized pursuant to subsection (18) above, contracts for wastewater treatment services or for a wastewater treatment system or any component part or parts thereof authorized pursuant to subsection (19) above, and contracts for the purchase of electricity or administrative or dispatching services related to the transmission of such electricity authorized pursuant to subsection (24) above, shall contain a clause making them subject to the availability and appropriation annually of sufficient funds as may be required to meet the extended obligation, or contain an annual cancellation clause.

The Division of Local Government Services shall adopt and promulgate rules and regulations concerning the methods of accounting for all contracts that do not coincide with the fiscal year.

2. This act shall take effect immediately.

Approved July 7, 1994.

CHAPTER 72

AN ACT concerning the delivery and payment of real property tax bills, revising certain municipal budget dates and amending and supplementing various parts of the statutory law.

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

1. R.S.54:4-66 is amended to read as follows:

When calendar year taxes payable, delinquent.

54:4-66. a. Taxes for municipalities operating under the calendar fiscal year shall be payable the first installment as hereinafter provided on February 1, the second installment on May 1, the third installment on August 1 and the fourth installment on November 1, after which dates if unpaid, they shall become delinquent and remain delinquent until such time as all unpaid taxes, including taxes and other liens subsequently due and unpaid, together with interest have been fully paid and satisfied;

b. From and after the respective dates hereinbefore provided for taxes to become delinquent, the taxpayer or property assessed shall be subject to the penalties hereinafter prescribed;

c. The dates hereinbefore provided for payment of the first and second installments of taxes being before the true amount of the tax will have been determined, the amount to be payable as each of the first two installments shall be one-quarter of the total tax finally levied against the same property or taxpayer for the preceding year or, if directed to do so for the tax year by resolution of the municipal governing body, one-half of the tax levied for the second half of the preceding tax year, as appropriate; and the amount to be payable for the third and fourth installments shall be the full tax as levied for the current year, less the amount charged as the first and second installments; the amount thus found to be payable as the last two installments shall be divided equally for and as each installment. An appropriate adjustment by way of discount shall be made, if it shall appear that the total of the first and second installments exceeded one-half of the total tax as levied for the year;

d. (Deleted by amendment, P.L.1994, c.72).

e. Taxes may be received and credited as payments at any time, even prior to the dates hereinbefore fixed for payment.

C.54:4-66.1 Fiscal year taxes payable, delinquent; definitions; formulas.

2. Taxes in municipalities operating under the State fiscal year shall be payable and shall be delinquent pursuant to the following provisions:

a. Taxes shall be payable the first installment as hereinafter provided on February 1, the second installment on May 1, the third installment on August 1 and the fourth installment on November 1, after which dates if unpaid, they shall become delinquent and remain delinquent until such time as all unpaid taxes, including taxes and other liens subsequently due and unpaid, together with interest have been fully paid and satisfied;

b. From and after the respective dates hereinbefore provided for taxes to become delinquent, the taxpayer or property assessed shall be subject to the penalties hereinafter prescribed;

c. The following terms and phrases shall have the meaning defined below when calculating taxes under this section:

“Assessed value” means the net valuation taxable of each parcel of property in a municipality in the current tax year.

“Billing percentage” is used to calculate the amount required to meet municipal and non-municipal fiscal obligations for the first six months of the calendar year.

"Calendar year" means the current calendar year.

"Certification of tax billing levies" is the form and associated procedures promulgated by the director on which the tax collector calculates the appropriate billing amounts for the first and second installments of the calendar year.

"Director" means the director of the Division of Local Government Services.

"Municipal tax levy" means the tax levy set in the municipal budget for the current fiscal year.

"Non-municipal tax levy" means the total of all of the tax levies certified by the county board of taxation for non-municipal purposes for the calendar year.

"Preliminary municipal tax levy" is the amount certified by the governing body for the purposes of third and fourth installment municipal tax levy.

"Prior year" means the calendar year just previous to the quarters being billed.

"Six month required non-municipal tax levy" means the amount necessary to be paid by the municipality to the county and non-municipal taxing districts for the first six months of the calendar year.

"Total adjusted prior year taxes" means the prior year taxes billed after adjustments are made to incorporate changes to tax bills between tax billings.

"Total assessed value" means the total net valuation taxable for the municipality pursuant to the most recent Table of Aggregates promulgated by the County Board of Taxation.

d. The following formulas shall be utilized in calculating the taxes for each parcel or property:

(1) the municipal rate shall be the preliminary municipal tax levy divided by the total assessed value per one hundred dollars of assessed valuation.

(2) the non-municipal rate shall be the non-municipal tax levy divided by the total assessed value per one hundred dollars of assessed value.

(3) "Municipal billing percentage" shall be the municipal tax levy less the sum of the adjusted taxes billed for the prior year third and fourth installments, divided by the total adjusted prior year taxes.

(4) "Non-municipal billing percentage" shall be calculated by dividing the six month required non-municipal tax levy by the total adjusted prior year taxes.

e. Taxes for each parcel or property shall be calculated as follows:

(1) The tax collector shall prepare the certification of tax billing levies and calculate the first and second installments by computing the municipal portion, which shall be the municipal billing percentage multiplied by the total adjusted prior year taxes; and then the non-municipal portion, which shall be the non-municipal billing percentage multiplied by the total adjusted prior year taxes. The sum of the two shall be divided in half for each installment. A copy of the certification shall be filed with the director and the county board of taxation.

(2) The third and fourth installments shall be calculated by computing the municipal portion, which shall be the product of the municipal rate times the total assessed value per one hundred dollars of assessed value, and subtracting the taxes billed for the previous first and second installments; and then the non-municipal portion which shall be the product of the non-municipal rate times the total assessed value per one hundred dollars of assessed value, and subtracting the taxes billed for the previous first and second installments. The sum of the two shall be divided in half for each installment.

f. Taxes may be received and credited as payments at any time, even prior to the dates hereinabove fixed for payment.

C.54:4-66.2 Estimated, reconciled tax bills for municipalities, procedures.

3. a. Notwithstanding any provision of law, rule or regulation to the contrary, whenever a municipal governing body determines that the municipal tax collector will be unable to complete the mailing or delivery of tax bills in a municipality operating under a calendar fiscal year by June 14 or in a municipality operating under the State fiscal year by June 14 or December 1, as appropriate, because the county board of taxation has not certified a tax levy, or for any other reason, subject to regulations promulgated by the Local Finance Board, the governing body may direct, by resolution, the collector to prepare, complete, mail or otherwise deliver as soon as practicable to each individual assessed, or as provided in R.S.54:4-64 to the individual's mortgagee or servicing organization, estimated and reconciled tax bills in accordance with the procedures set forth in section 4 or 5, as appropriate, of P.L.1994, c.72 (C.54:4-663 or C.54:4-66.4).

b. Except as otherwise provided for by this section, an estimated tax bill and a reconciled tax bill issued pursuant to subsection a. of this section shall be considered the same as a regular tax bill with regard to other laws governing tax bills.

c. An estimated tax bill issued pursuant to this section may be used by a mortgagee or servicing organization in calculating the

anticipated disbursements from mortgage escrow accounts as provided in section 6 of P.L.1990, c.69 (C.17:16F-20).

d. Notwithstanding anything in Title 54 of the Revised Statutes to the contrary, a municipality shall not issue more than four quarterly installment tax bills, whether estimated or final, during any calendar year. This subsection shall not apply to bills for added or omitted assessments.

C.54:4-66.3 Estimated, reconciled tax bills for municipality operating on calendar fiscal year.

4. Whenever, pursuant to section 3 of P.L.1994, c.72 (C.54:4-66.2), a governing body of a municipality operating on the calendar fiscal year determines that the tax collector will be unable to complete the mailing or delivery of tax bills by June 14, the estimated and reconciled tax bills shall be mailed by June 30 and September 30 respectively, and shall be calculated in accordance with the following procedures:

a. (1) The tax collector in consultation with the chief financial officer shall compute an estimated annual tax levy range for the county and each taxing district whose levy has not yet been certified by the county board of taxation. The range shall be within the lower and upper amounts calculated by multiplying the levy of the county and each such taxing district for the previous calendar fiscal year by .95 and 1.05.

(2) The municipal governing body may authorize, by resolution, an estimated annual tax levy for the county and each such taxing district by setting an amount within the range computed by the tax collector in consultation with the chief financial officer.

b. An estimated bill for the third installment of taxes may be calculated as follows:

(1) The tax rate for the county and each taxing district shall be calculated by dividing the certified, if available, or estimated tax levy by the current year net valuation taxable. Each such tax rate shall be multiplied by the taxable value for each property to arrive at the estimated annual property tax due for each property assessed.

(2) The amount charged in the first and second installments of the current year shall be subtracted from the estimated annual property tax due for each property assessed. That amount shall then be divided in half and after being so divided shall be the amount of the estimated tax bill for the third installment of taxes.

c. A reconciled bill for the fourth installment of taxes shall be calculated as follows:

(1) The tax rate for the county and each taxing district shall be calculated by dividing the actual tax levies certified by the county board

of taxation by the current year net valuation taxable. Each such tax rate shall be multiplied by the taxable value for each property to arrive at the actual annual property tax due for each property assessed.

(2) The amount charged in the first, second and third installments of the current year for each taxing district shall be subtracted from the actual annual property tax due for each property assessed. The difference of those amounts shall constitute the amount of the reconciled tax bill for the fourth installment of property tax.

d. The third installment of current year taxes shall not be subject to interest until the later of August 1, the additional interest-free period authorized pursuant to R.S.54:4-67, or the twenty-fifth calendar day after the date that the tax bill or estimated tax bill for the third installment was mailed or otherwise delivered. Any payment received after the later of August 1, the additional interest-free period authorized pursuant to R.S.54:4-67, or the twenty-fifth calendar day after the date that the tax bill or estimated tax bill for the third installment was mailed or otherwise delivered may be charged interest back to August 1. The estimated tax bill shall contain a notice specifying the date on which interest may begin to accrue.

e. The fourth installment of current year taxes shall not be subject to interest until the later of November 1, the additional interest-free period authorized pursuant to R.S.54:4-67, or the twenty-fifth calendar day after the date that the tax bill or reconciled tax bill for the fourth installment was mailed or otherwise delivered. Any payment received after the later of November 1, the additional interest-free period authorized pursuant to R.S.54:4-67, or the twenty-fifth calendar day after the date that the tax bill or estimated tax bill for the third installment was mailed or otherwise delivered may be charged interest back to November 1. The reconciled tax bill shall contain a notice specifying the date on which interest may begin to accrue.

f. If the tax collector in consultation with the chief financial officer determines that the municipality is unable to calculate the tax bills utilizing the formulas set forth in this section, the collector in consultation with the chief financial officer may request the Director of the Division of Local Government Services to authorize an alternate method that will result in the most accurate bills possible utilizing the mechanisms available to the municipality. The director shall certify in writing the method approved for billings.

C.54:4-66.4 Estimated, reconciled tax bills for municipality operating on State fiscal year.

5. a. Whenever, pursuant to section 3 of P.L.1994, c.72 (C.54:4-66.2), a governing body of a municipality operating on the State fiscal year determines that the tax collector will be unable to complete the mailing or delivery of tax bills by June 14 or December 1, as appropriate, the estimated and reconciled tax bills shall be mailed, prepared and calculated in accordance with the following procedures:

(1) An estimated tax bill for the first installment of taxes on or before December 31 and a reconciled tax bill for the second installment of taxes on or before March 31;

(2) An estimated tax bill for the third installment of taxes on or before June 30 and a reconciled tax bill for the fourth installment of taxes on or before September 30;

b. For estimated first and reconciled second installments:

(1) The resolution shall contain authorization of an estimated annual tax levy for the municipality.

(2) An estimated bill for the first installment of taxes shall be calculated in accordance with the provisions of paragraph (1) of subsection e. of section 2 of P.L.1994, c.72 (C.54:4-66.1), except that the estimated municipal fiscal year tax levy determined in paragraph (1) of this section shall be used in completing the municipal fiscal year levy section of the certification of billing levies; and only one installment shall be billed.

(3) A reconciled bill for the second installment of taxes shall be calculated in accordance with the provisions of paragraph (1) of subsection e. of section 2 of P.L.1994, c.72 (C.54:4-66.1), except that the billing amount shall be the true amount calculated pursuant to law, less the amount billed in the estimated first installment.

(4) The first installment of taxes shall not be subject to interest until the later of February 1, the additional interest-free period authorized pursuant to R.S.54:4-67, or the twenty-fifth calendar day after the date that the tax bill or estimated tax bill for the first installment was mailed or otherwise delivered. Any payment received after the later of February 1, the additional interest-free period authorized pursuant to R.S.54:4-67, or the twenty-fifth calendar day after the date that the tax bill or estimated tax bill for the first installment was mailed or otherwise delivered may be charged interest back to February 1. The estimated tax bill shall contain a notice specifying the date on which interest may begin to accrue.

(5) The second installment of taxes shall not be subject to interest until the later of May 1, the additional interest-free period

authorized pursuant to R.S.54:4-67, or the twenty-fifth calendar day after the date that the tax bill or reconciled tax bill for the second installment was mailed or otherwise delivered. Any payment received after the later of May 1, the additional interest-free period authorized pursuant to R.S.54:4-67, or the twenty-fifth calendar day after the date that the tax bill or estimated tax bill for the second installment was mailed or otherwise delivered may be charged interest back to May 1. The reconciled tax bill shall contain a notice specifying the date on which interest may begin to accrue.

c. For estimated third and reconciled fourth installments:

(1) The tax collector in consultation with the chief financial officer shall compute an estimated annual tax levy range for the county and each taxing district whose levy has not yet been certified by the county board of taxation. The range shall be within the lower and upper amounts calculated by multiplying the levy of the county and each such taxing district for the previous fiscal year by .95 and 1.05.

(2) The municipal governing body may authorize, by resolution, an estimated annual tax levy for the county and each such taxing district by setting an amount within the range computed by the tax collector in consultation with the chief financial officer. The municipal levy shall be calculated in accordance with paragraph (2) of subsection e. of section 2 of P.L.1994, c.72 (C.54:4-66.1).

(3) The tax rate for the county and each taxing district shall be calculated by dividing each estimated tax levy by the current year total net valuation taxable. Each such tax rate shall be multiplied by the net valuation taxable for each property to arrive at the estimated annual property tax due for each property assessed.

(4) The amount charged in the first and second installments of the current year shall be subtracted from the estimated annual property tax due for each property assessed. That amount shall then be divided in half and after being so divided shall be the amount of the estimated tax bill for the third installment of taxes.

(5) For the fourth installment of taxes, the tax rate for the county and each non-municipal taxing district shall be calculated by dividing the actual tax levies certified by the county board of taxation by the current year total net valuation taxable. The municipal tax rate shall be that used in paragraph (3) of this subsection. Each such tax rate shall be multiplied by the net valuation taxable for each property to arrive at the actual annual property tax due for each property assessed. The amount charged in the first, second and third installments of the current year for each taxing district shall be subtracted from the actual annual property tax due for the

county and each taxing district for each property assessed. The difference of those amounts shall constitute the amount of the reconciled tax bill for the fourth installment of property tax.

(6) The third installment of taxes shall not be subject to interest until the later of August 1, the additional interest-free period authorized pursuant to R.S.54:4-67, or the twenty-fifth calendar day after the date that the tax bill or estimated tax bill for the third installment was mailed or otherwise delivered. Any payment received after the later of August 1, the additional interest-free period authorized pursuant to R.S.54:4-67, or the twenty-fifth calendar day after the date that the tax bill or estimated tax bill for the third installment was mailed or otherwise delivered may be charged interest back to August 1. The estimated tax bill shall contain a notice specifying the date on which interest may begin to accrue.

(7) The fourth installment of taxes shall not be subject to interest until the later of November 1, the additional interest-free period authorized pursuant to R.S.54:4-67, or the twenty-fifth calendar day after the date that the tax bill or reconciled tax bill for the fourth installment was mailed or otherwise delivered. Any payment received after the later of November 1, the additional interest-free period authorized pursuant to R.S.54:4-67, or the twenty-fifth calendar day after the date that the tax bill or estimated tax bill for the fourth installment was mailed or otherwise delivered may be charged interest back to November 1. The reconciled tax bill shall contain a notice specifying the date on which interest may begin to accrue.

d. If the tax collector in consultation with the chief financial officer determines that the municipality is unable to calculate the tax bills utilizing the formulas set forth in this section, the collector in consultation with the chief financial officer may request the Director of the Division of Local Government Services to authorize an alternate method that will result in the most accurate bills possible utilizing the mechanisms available to the municipality. The director shall certify in writing the method approved for billings.

6. Section 3 of P.L.1976, c.68 (C.40A:4-45.3) is amended to read as follows:

C.40A:4-45.3 Municipalities; limitation exceptions.

3. In the preparation of its budget a municipality shall limit any increase in said budget to 5% or the index rate, whichever is less, over the previous year's final appropriations subject to the following exceptions:

a. (Deleted by amendment, P.L.1990, c.89.)

b. Capital expenditures, including appropriations for current capital expenditures, whether in the capital improvement fund or as a component of a line item elsewhere in the budget, provided that any such current capital expenditure would be otherwise bondable under the requirements of N.J.S.40A:2-21 and 40A:2-22;

c. (1) An increase based upon emergency temporary appropriations made pursuant to N.J.S.40A:4-20 to meet an urgent situation or event which immediately endangers the health, safety or property of the residents of the municipality, and over which the governing body had no control and for which it could not plan and emergency appropriations made pursuant to N.J.S.40A:4-46. Emergency temporary appropriations and emergency appropriations shall be approved by at least two-thirds of the governing body and by the Director of the Division of Local Government Services, and shall not exceed in the aggregate 3% of the previous year's final current operating appropriations.

(2) (Deleted by amendment, P.L.1990, c.89.)

The approval procedure in this subsection shall not apply to appropriations adopted for a purpose referred to in subsection d. or j. below;

d. All debt service, including that of a Type I school district;

e. Upon the approval of the Local Finance Board in the Division of Local Government Services, amounts required for funding a preceding year's deficit;

f. Amounts reserved for uncollected taxes;

g. (Deleted by amendment, P.L.1990, c.89.)

h. Expenditure of amounts derived from new or increased construction, housing, health or fire safety inspection or other service fees imposed by State law, rule or regulation or by local ordinance;

i. Any amount approved by any referendum;

j. Amounts required to be paid pursuant to (1) any contract with respect to use, service or provision of any project, facility or public improvement for water, sewerage, parking, senior citizen housing or any similar purpose, or payments on account of debt service therefor, between a municipality and any other municipality, county, school or other district, agency, authority, commission, instrumentality, public corporation, body corporate and politic or political subdivision of this State; (2) the provisions of article 9 of P.L.1968, c.404 (C.13:17-60 through 13:17-76) by a constituent municipality to the intermunicipal account; (3) any lease of a facility owned by a county improvement authority when the lease payment represents the proportionate amount necessary to amortize the debt incurred by the authority in pro-

viding the facility which is leased, in whole or in part; and (4) any repayments under a loan agreement entered into in accordance with the provisions of section 5 of P.L.1992, c.89.

k. (Deleted by amendment, P.L.1987, c.74.)

l. Appropriations of federal, county, independent authority or State funds, or by grants from private parties or nonprofit organizations for a specific purpose, and amounts received or to be received from such sources in reimbursement for local expenditures. If a municipality provides matching funds in order to receive the federal, county, independent authority or State funds, or the grants from private parties or nonprofit organizations for a specific purpose, the amount of the match which is required by law or agreement to be provided by the municipality shall be excepted;

m. (Deleted by amendment, P.L.1987, c.74.)

n. (Deleted by amendment, P.L.1987, c.74.)

o. (Deleted by amendment, P.L.1990, c.89.)

p. (Deleted by amendment, P.L.1987, c.74.)

q. (Deleted by amendment, P.L.1990, c.89.)

r. Amounts expended to fund a free public library established pursuant to the provisions of R.S.40:54-1 through 40:54-29, inclusive;

s. (Deleted by amendment, P.L.1990, c.89.)

t. Amounts expended in preparing and implementing a housing element and fair share plan pursuant to the provisions of P.L.1985, c.222 (C.52:27D-301 et al.) and any amounts received by a municipality under a regional contribution agreement pursuant to section 12 of that act;

u. Amounts expended to meet the standards established pursuant to the "New Jersey Public Employees' Occupational Safety and Health Act," P.L.1983, c.516 (C.34:6A-25 et seq.);

v. (Deleted by amendment, P.L.1990, c.89.)

w. Amounts appropriated for expenditures resulting from the impact of a hazardous waste facility as described in subsection c. of section 32 of P.L.1981, c.279 (C.13:1E-80);

x. Amounts expended to aid privately owned libraries and reading rooms, pursuant to R.S.40:54-35;

y. (Deleted by amendment, P.L.1990, c.89.)

z. (Deleted by amendment, P.L.1990, c.89.)

aa. Extraordinary expenses, approved by the Local Finance Board, required for the implementation of an interlocal services agreement;

bb. Any expenditure mandated as a result of a natural disaster, civil disturbance or other emergency that is specifically autho-

rized pursuant to a declaration of an emergency by the President of the United States or by the Governor;

cc. Expenditures for the cost of services mandated by any order of court, by any federal or State statute, or by administrative rule, directive, order, or other legally binding device issued by a State agency which has identified such cost as mandated expenditures on certification to the Local Finance Board by the State agency;

dd. Expenditures of amounts actually realized in the local budget year from the sale of municipal assets if appropriated for non-recurring purposes or otherwise approved by the director;

ee. Any local unit which is determined to be experiencing fiscal distress pursuant to the provisions of P.L.1987, c.75 (C.52:27D-118.24 et seq.), whether or not a local unit is an "eligible municipality" as defined in section 3 of P.L.1987, c.75 (C.52:27D-118.26), and which has available surplus pursuant to the spending limitations imposed by P.L.1976, c.68 (C.40A:4-45.1 et seq.), may appropriate and expend an amount of that surplus approved by the director and the Local Finance Board as an exception to the spending limitation. Any determination approving the appropriation and expenditure of surplus as an exception to the spending limitations shall be based upon:

- 1) the local unit's revenue needs for the current local budget year and its revenue raising capacity;

- 2) the intended actions of the governing body of the local unit to meet the local unit's revenue needs;

- 3) the intended actions of the governing body of the local unit to expand its revenue generating capacity for subsequent local budget years;

- 4) the local unit's ability to demonstrate the source and existence of sufficient surplus as would be prudent to appropriate as an exception to the spending limitations to meet the operating expenses for the local unit's current budget year; and

- 5) the impact of utilization of surplus upon succeeding budgets of the local unit;

ff. Amounts expended for the staffing and operation of the municipal court;

gg. Amounts appropriated for the cost of administering a joint insurance fund established pursuant to subsection b. of section 1 of P.L.1983, c.372 (C.40A:10-36), but not including appropriations for claims payments by local member units;

hh. Amounts appropriated for the cost of implementing an estimated tax billing system and the issuance of tax bills thereunder pursuant to section 3 of P.L.1994, c.72 (C.54:4-66.2).

7. N.J.S.40A:4-5 is amended to read as follows:

Introduction and approval.

40A:4-5. The governing body shall introduce and approve the annual budget:

a. In the case of a county, not later than January 26 of the calendar fiscal year.

b. In the case of a municipality, not later than February 10 of the calendar fiscal year; and, in the case of a municipality which operates on the State fiscal year, not later than August 10.

The budget shall be introduced in writing at a meeting of the governing body. Approval thereof shall constitute a first reading which may be by title. Three certified copies of the approved budget shall be transmitted to the director within three days after approval.

Upon the approval of the budget by the governing body, it shall fix the time and place for the holding of a public hearing upon the budget.

8. N.J.S.40A:4-10 is amended to read as follows:

Adoption of budget.

40A:4-10. No budget or amendment thereof shall be adopted unless the director shall have previously certified his approval thereof. Final adoption shall be by resolution adopted by a majority of the full membership of the governing body, and may be by title where the procedures required by sections 40A:4-8 and 40A:4-9 have been followed.

The budget shall be adopted in the case of a county not later than February 25, and in the case of a municipality not later than March 20 of the calendar fiscal year or September 20 of the State fiscal year, except that the governing body may adopt the budget at any time within 10 days after the director shall have certified his approval thereof and returned the same, if such certification shall be later than the date of the advertised hearing.

If, in the case of a municipality which operates on the State fiscal year, the governing body fails to adopt the budget within the permitted time, the chief financial officer of the local unit shall so notify the director the next working day after the expiration of the permitted time.

Three certified copies of the budget, as adopted, shall be transmitted to the director within three days after adoption.

Upon adoption, the budget shall constitute an appropriation for the purposes stated therein and an authorization of the amount to be raised by taxation for the purposes of the local unit.

9. N.J.S.40A:4-11 is amended to read as follows:

Budget to be transmitted to county board.

40A:4-11. The clerk of the local unit shall transmit a certified copy of the budget, as adopted, to the county board not later than 15 days following the adoption of the budget.

10. N.J.S.40A:4-16 is amended to read as follows:

County board to advise director of failure to receive budget.

40A:4-16. Where the county board has not received a copy of the budget resolution or other evidence showing the amount to be raised by taxation for the purposes of a county or taxing district not later than March 31 of the calendar fiscal year, in the case of a county, taxing district or a municipality for which the fiscal year is January 1 through December 31 or not later than October 6 in those municipalities which operate on the State fiscal year, the board shall immediately notify the director of such failure.

11. N.J.S.40A:4-17 is amended to read as follows:

Director's certificate to the county board.

40A:4-17. The director may, in accordance with subsection a. or b. of this section, after receipt of notice that the county board has not received a copy of the budget resolution or other evidence showing the amount to be raised by taxation for the purposes of a local unit, or other failure of a governing body to act in accordance with law:

a. transmit to the county board a certificate setting forth the amount required for the operation of the local unit for the fiscal year. The operating budget of the preceding year shall constitute and limit the appropriations of the current year with suitable adjustments for debt service, other mandatory charges and changes in revenues, but excluding the amount to be raised for taxes for school purposes where required to be included in the municipal budget.

The certificate shall be prepared by using the revenues and appropriations appearing in the adopted budget of the preceding year with suitable adjustments to include, without limitation:

Any amounts required for principal and interest of indebtedness falling due in the fiscal year;

Any deferred charges or statutory expenditures required to be raised in the fiscal year; and

In addition, the director shall adjust the revenues, local tax requirements and surplus revenues appearing in the adopted budget of the preceding year in such manner that the cash basis provisions of this chapter shall apply.

b. establish the amount to be raised by taxation and certify the same to the county tax board. The local unit shall have 45 days thereafter to finally adopt its budget pursuant to law. If the governing body fails to act accordingly, the director may act in accordance with subsection a. of this section.

12. N.J.S.40A:4-18 is amended to read as follows:

Table of aggregates for late budgets.

40A:4-18. a. In municipalities operating under a calendar fiscal year, immediately upon receipt of the director's certificate the county board shall fill out the table of aggregates required by R.S.54:4-52 and shall determine the amount of "other local taxes" for the year based upon the certificate of the director. Upon completion, the county board shall transmit a copy of each municipality's table of aggregates to the director.

If the local unit shall have adopted a budget for the calendar fiscal year and shall have transmitted a certified copy thereof to the county board on or before April 10, the board may substitute the adopted budget in the place of the amount certified by the director, but no such substitutions shall be made after May 1, unless otherwise approved by the director.

b. In municipalities operating under the State fiscal year, immediately upon receipt of the director's certificate, the county board of taxation shall use the certificate to prepare the extended tax duplicate for the municipality. If the local unit shall have adopted a budget for the fiscal year and shall have transmitted a certified copy thereof to the county board on or before October 10, the board may substitute the adopted budget in the place of the amount certified by the director, but no such substitutions shall be made after October 15, as the case may be, unless otherwise approved by the director.

13. N.J.S.40A:4-27 is amended to read as follows:

Miscellaneous revenues; sale of property.

40A:4-27. A local unit may anticipate as a miscellaneous revenue the total amount of all payments due and payable to the local

unit during the fiscal year, directly or indirectly as a result of the sale of property by the local unit, when the obligation to make such payment is entered into prior to February 10 of the calendar fiscal year, or by August 10 of the State fiscal year.

14. N.J.S.40A:5-12 is amended to read as follows:

Annual financial statement and reports of local unit.

40A:5-12. The chief financial officer of each local unit shall file annually with the director a verified statement of the financial condition of the local unit as of the close of the fiscal year. Such statement shall be filed, upon forms furnished and prescribed by the director, not later than January 26 in the case of a county and not later than February 10 in the case of a municipality after the close of the calendar fiscal year, or not later than August 10 of the State fiscal year in those municipalities which operate on the State fiscal year pursuant to section 2 or 3 of P.L.1991, c.75 (C.40A:4-3.1 or C.40A:4-3.2).

If the official charged with the responsibility of filing shall fail to file such statement within 10 days after the time fixed for filing the same, he shall be subject to a penalty of \$5.00 for each day of neglect to file the same, to be recovered in a summary proceeding against such official instituted and prosecuted under the penalty enforcement law (N.J.S.2A:58-1 et seq.).

15. R.S.54:4-42 is amended to read as follows:

Tax requirements certified to county tax board.

54:4-42. The municipal clerk or other proper officer of each county and taxing district operating under the calendar fiscal year shall, not later than 15 days after the adoption of the budget, transmit to the county board of taxation a copy of the annual taxing ordinance or resolution, or other evidence showing the amount to be raised by taxation for the purposes of the county or taxing district.

C.40A:4-12.1 Certification of preliminary municipal tax levy under State fiscal year.

16. On or before May 13 of each year, the governing body of each municipality operating under the State fiscal year shall certify, by resolution, to the Director of the Division of Local Government Services a preliminary municipal tax levy to be utilized in calculation of the municipal portion of the third and fourth installments of property taxes. The amount of the preliminary municipal tax levy shall be calculated in such a manner as to level insofar as possible the municipal portion of third and fourth installments and the subse-

quent first and second installments, but unless otherwise approved by the director, the amount of the preliminary municipal tax levy shall not be less than 95% of the current fiscal year's municipal tax levy. A copy of the certification shall be forwarded to the director, and to the county board of taxation which shall then use the levy in preparation of the extended tax duplicate for the municipality pursuant to R.S.54:4-55. If the governing body fails to act in a timely manner, the director may prepare and certify the preliminary municipal tax levy and shall provide a copy to the county board of taxation and the municipality. The director shall promulgate forms and instructions as necessary for the calculation of the preliminary municipal tax levy.

17. R.S.54:4-52 is amended to read as follows:

Table of aggregates for county; prepared by county board.

54:4-52. The county board of taxation shall, on or before May 15, fill out a table of aggregates copied from the duplicates of the several assessors and the certifications of the Director of the Division of Taxation relating to second-class railroad property, and enumerating the following items:

- (1) The total number of acres and lots assessed;
- (2) The value of the land assessed;
- (3) The value of the improvements thereon assessed;
- (4) The total value of the land and improvements assessed, including:
 - a. Second-class railroad property;
 - b. All other real property.
- (5) The value of the personal property assessed, stating in separate columns:
 - a. Value of household goods and chattels assessed;
 - b. Value of farm stock and machinery assessed;
 - c. Value of stocks in trade, materials used in manufacture and other personal property assessed under section 54:4-11;
 - d. Value of all other tangible personal property used in business assessed.
- (6) Deductions allowed, stated in separate columns:
 - a. Household goods and other exemptions under the provisions of section 54:4-3.16 of this Title;
 - b. Property exempted under section 54:4-3.12 of this Title.
- (7) The net valuation taxable;

(8) Amounts deducted under the provisions of sections 54:4-49 and 54:4-53 of this Title or any other similar law (adjustments resulting from prior appeals);

(9) Amounts added under any of the laws mentioned in subdivision 8 of this section (like adjustments);

(10) Amounts added for equalization under the provisions of sections 54:3-17 to 54:3-19 of this Title;

(11) Amounts deducted for equalization under the provisions of sections 54:3-17 to 54:3-19 of this Title;

(12) Net valuation on which county, State and State school taxes are apportioned;

(13) The number of polls assessed;

(14) The amount of dog taxes assessed;

(15) The property exempt from taxation under the following special classifications:

a. Public school property;

b. Other school property;

c. Public property;

d. Church and charitable property;

e. Cemeteries and graveyards;

f. Other exemptions not included in foregoing classifications subdivided showing exemptions of real property and exemptions of personal property;

g. The total amount of exempt property.

(16) State road tax;

(17) State school tax;

(18) County taxes apportioned, exclusive of bank stock taxes;

(19) Local taxes to be raised, exclusive of bank stock taxes, subdivided as follows:

a. District school tax;

b. Other local taxes.

(20) Total amount of miscellaneous revenues, including surplus revenue appropriated, for the support of the taxing district budget, which, for a municipality operating under the State fiscal year, shall be the amounts for the fiscal year ending June 30 of the year in which the table is prepared;

(21) District court taxes;

(22) Library tax;

(23) Bank stock taxes due taxing district;

(24) Tax rate for local taxing purposes to be known as general tax rate to apply per \$100.00 of valuation.

For municipalities operating under the State fiscal year, the amount for local municipal purposes shall be the amount as certified pursuant to section 16 of P.L.1994, c.72 (C.40A:4-12.1). The table shall also include a footnote showing the amount raised by taxation for municipal purposes as shown in the State fiscal year budget ending June 30 of the year the table is prepared.

In addition to the above such other matters may be added, or such changes in the foregoing items may be made, as may from time to time be directed by the Director of the Division of Taxation. The forms for filling out tables of aggregates shall be prescribed by the director and sent by him to the county treasurers of the several counties to be by them transmitted to the county board of taxation. Such table of aggregates shall be correctly added by columns and shall be signed by the members of the county board of taxation and shall within three days thereafter be transmitted to the county treasurer who shall file the same and forthwith cause it to be printed in its entirety and shall transmit certified copy of same to the Director of the Division of Taxation, the State Auditor, the Director of the Division of Local Government Services in the Department of Community Affairs, the clerk of the board of freeholders, and the clerk of each municipality in the county.

18. R.S.54:4-55 is amended to read as follows:

Corrected duplicates returned to taxing districts; lists remain on record.

54:4-55. The county board of taxation shall, on or before May 27 in each year, cause the corrected, revised and completed duplicates, certified by it to be a true record of the taxes assessed, to be delivered to the collectors of the various taxing districts in the county, and the tax lists shall remain in the office of the board as a public record. Thereafter neither the assessor nor the collector shall make or cause to be made any change or alteration in the tax duplicate except as may be provided by law.

C.54:4-66.5 Regulations, forms, procedures.

19. The Local Finance Board, in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt such regulations, forms and procedures as may be necessary to effectuate the purposes of sections 2 through 5 of P.L.1994, c.72 (C.54:4-66.1 through C.54:4-66.4).

20. This act shall take effect immediately.

Approved July 14, 1994.

CHAPTER 73

AN ACT concerning the Youth Transitions to Work Partnership
and amending P.L.1992, c.43 and P.L.1993, c.268.

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

1. Section 4 of P.L.1992, c.43 (C.34:15D-4) is amended to
read as follows:

C.34:15D-4 Workforce Development Partnership Program established.

4. a. The Workforce Development Partnership Program is hereby established in the Department of Labor and shall be administered by the Commissioner of Labor. The purpose of the program is to provide qualified displaced, disadvantaged and employed workers with the employment and training services most likely to provide the greatest opportunity for long-range career advancement with high levels of productivity and earning power. To implement that purpose, the program shall provide those services by means of training grants or customized training services, to the extent that funding for the services is not available from federal or other sources. The commissioner is authorized to expend moneys from the Workforce Development Partnership Fund to provide the training grants or customized training services and provide for each of the following:

(1) The cost of counseling required pursuant to section 7 of P.L.1992, c.43 (C.34:15D-7), to the extent that adequate funding for counseling is not available from federal or other sources;

(2) Reasonable administrative costs not to exceed 10% of the revenues collected pursuant to section 2 of P.L.1992, c.44 (C.34:15D-13) during any one fiscal year, except for additional start-up administrative costs approved by the Director of the Office of Management and Budget during the first year of the program's operation;

(3) Reasonable costs, not exceeding 0.5% of the revenues collected pursuant to section 2 of P.L.1992, c.44 (C.34:15D-13) during any one fiscal year, as required by the State Employment and Training Commission to design criteria and conduct an annual evaluation of the program; and

(4) The cost of reimbursement to individuals for excess contributions pursuant to section 6 of P.L.1992, c.44 (C.34:15D-17).

b. Not more than 10% of the moneys received by any service provider pursuant to this act shall be expended on anything other than direct costs to the provider of providing the employment and training services, which direct costs shall not include any administrative or overhead expense of the provider.

c. Training and employment services shall be provided to a worker who receives counseling pursuant to section 7 of P.L.1992, c.43 (C.34:15D-7) only if the counselor who evaluates the worker pursuant to that section determines that the worker can reasonably be expected to successfully complete the training and education identified in the Employability Development Plan developed pursuant to that section for the worker.

d. All vocational training provided under this act:

(1) Shall be training which is likely to substantially enhance the individual's marketable skills and earning power; and

(2) Shall be training for a labor demand occupation, except for:

(a) Customized training provided to the present employees of a business which the commissioner deems to be in need of the training to prevent job loss caused by obsolete skills, technological change or national or global competition; or

(b) Customized training provided to employees at a facility which is being relocated from another state into New Jersey.

e. Not less than 27% of the total revenues dedicated to the program during any one fiscal year shall be reserved to provide employment and training services for qualified displaced workers. Eight percent of the total revenues dedicated to the program during any one fiscal year shall be reserved to provide employment and training services for qualified disadvantaged workers. Not less than 3% of the total revenues dedicated to the program during any one fiscal year shall be reserved for occupational safety and health training. Beginning July 1, 1994, 5% of the total revenues dedicated to the program during any one fiscal year shall be reserved for and appropriated to the Youth Transitions to Work Partnership created pursuant to P.L.1993, c.268 (C.34:15E-1 et seq.).

f. Funds available under the program shall not be used for activities which induce, encourage or assist: any displacement of currently employed workers by trainees, including partial displacement by means such as reduced hours of currently employed workers; any replacement of laid off workers by trainees; or any

relocation of operations resulting in a loss of employment at a previous workplace located in the State.

g. On-the-job training shall not be funded by the program for any employment found by the commissioner to be of a level of skill and complexity too low to merit training. The duration of on-the-job training funded by the program for any worker shall not exceed the duration indicated by the Specific Vocational Preparation Code developed by the United States Department of Labor for the occupation for which the training is provided and shall in no case exceed 26 weeks. The department shall set the duration of on-the-job training for a worker for less than the indicated maximum, when training for the maximum duration is not warranted because of the level of the individual's previous training, education or work experience. On-the-job training shall not be funded by the program unless it is accompanied, concurrently or otherwise, by whatever amount of classroom-based vocational training, remedial education or both, is deemed appropriate for the worker by the commissioner.

h. Employment and training services funded by the program shall not replace, supplant, compete with or duplicate in any way approved apprenticeship programs.

i. No activities funded by the program shall impair existing contracts for services or collective bargaining agreements, except that activities which would be inconsistent with the terms of a collective bargaining agreement may be undertaken with the written concurrence of the collective bargaining unit and employer who are parties to the agreement.

2. Section 4 of P.L.1993, c.268 (C.34:15E-4) is amended to read as follows:

C.34:15E-4 Youth Transitions to Work Partnership established; purpose.

4. a. The Youth Transitions to Work Partnership is hereby established in, but not of, the Department of Labor. Notwithstanding any appropriations that are made to the Youth Transitions to Work Partnership from the revenues collected pursuant to section 2 of P.L.1992, c.44 (C.34:15D-13), the Youth Transitions to Work Partnership is separate from the Workforce Development Partnership Program and not subject to the requirements of P.L.1992, c.43 (C.34:15D-1 et al.).

b. The purpose of the Youth Transitions to Work Partnership is to facilitate effective transitions by youths to high-skill, high-wage employment in labor demand occupations with long-term career potential and opportunities for occupationally relevant lifelong

learning, and thereby motivate youth to greater success in secondary and post-secondary education. To implement that purpose, the partnership shall provide consortia of businesses, business organizations, labor organizations and educational institutions with:

(1) Grants pursuant to section 5 of this act for the establishment of new apprenticeship programs in occupations or industries which do not currently have apprenticeship programs in this State; and

(2) Grants pursuant to sections 6 and 7 of this act to establish new programs to link education and higher education to either existing apprenticeship programs or new apprenticeship programs established pursuant to section 5 of this act.

c. All training, education or other services provided pursuant to this act shall be for careers in occupations which are labor demand occupations and have an average level of pay in the State which exceeds 80% of the average level of pay for all workers in the State or shall be in connection with an apprenticeship program in which the average level of pay upon completion of the program exceeds 80% of the average level of pay for all workers in the State.

d. Funds available in connection with the partnership shall not be used for activities which:

(1) Induce, encourage or assist: any displacement of currently employed workers by trainees, including partial displacement by means such as reduced hours of currently employed workers; any replacement of laid off workers by trainees; or any relocation of operations resulting in a loss of employment at a previous workplace;

(2) Replace, supplant, compete with or duplicate in any way existing approved apprenticeship programs; or

(3) Impair existing contracts for services or collective bargaining agreements, except that activities which would be inconsistent with the terms of a collective bargaining agreement may be undertaken with the written concurrence of the collective bargaining unit and employer who are parties to the agreement.

e. Any business which has an individual working for it under a program established under a grant provided by the partnership shall be responsible for providing workers' compensation coverage for the individual.

3. This act shall take effect immediately.

Approved July 15, 1994.