LAWS—NEW JERSEY
1978

ACTS

OF THE

First Annual Session

OF THE

One Hundred and Ninety-eighth Legislature

OF THE

STATE OF NEW JERSEY

AND

Twenty-seventh Under the New Constitution



1978

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

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Secretary of State.

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LAWS

ACTS

ENACTED BY THE

First Annual Session

OF THE

One Hundred and Ninety-eighth Legislature

CHAPTER 1

AN ACT to amend and supplement the "New Jersey Sports and Exposition Authority Law," approved May 10, 1971 (P. L. 1971, c. 137).

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

C. 5:10-27 Legislature's findings and declarations.

1. (New section) The Legislature hereby finds and declares that the general welfare of the people of the State will be promoted by the advancement of horse racing facilities in the State; that it is vital to State Government that the revenues derived from pari-mutuel betting on horse race meetings at racetracks in the State be continued; that ownership and operation of racetracks for horse racing by a State agency would protect against a loss of revenue to the State and assure the financial stability of the racetracks and availability of capital to repair, reconstruct and restore damaged or destroyed facilities thereof and to provide improvements and additions thereto; that the advancement and retention of the horse racing and related activities in the State will not only provide recreational opportunities for the people of the State but will also benefit the people in the form of increased commerce and employment.

The Legislature has determined that in order to accomplish such purposes and goals, it is necessary and desirable to authorize the New Jersey Sports and Exposition Authority to immediately

acquire and operate the Garden State Racetrack facility, its contiguous properties and auxiliary facilities.

The Legislature further finds that the powers conferred by this act and the expenditure of public moneys pursuant hereto will serve a valid public purpose and that the enactment of the provisions hereinafter set forth is in the public interest and is hereby so declared to be such as a matter of express legislative determination.

C. 5:10-28 Definitions.

2. (New section) As used in this act:

a. "Additional projects" means the projects and purposes authorized by section 3 of this act.

b. "Authority" means the New Jersey Sports and Exposition Authority created by P. L. 1971, c. 137 (C. 5:10–1 et seq.).

c. "Meadowlands complex" means the sports and exposition project authorized by P. L. 1971, c. 137 (C. 5:10–1 et seq.).

d. "Meadowlands commission" means the Hackensack Meadowlands Development Commission created by P. L. 1968, c. 404 (C. 13:17–1 et seq.).

e. "Racing commission" means the New Jersey Racing Commission created by P. L. 1940, c. 17, s. 1 (C. 5:5–22).

C. 5:10-29 Powers of authority.

3. (New section) The authority is hereby authorized and empowered to acquire, operate, maintain, repair, reconstruct, restore and improve as additional projects of the authority the Garden State Racetrack facility, its contiguous properties and auxiliary facilities including without limitation pavilions, stands, clubhouses, training tracks for horses, fairgrounds and other exposition facilities, together with all buildings, structures, roads, parking areas, recreation areas, restaurants, transportation facilities or systems, equipment, furnishings, properties and appurtenances related thereto or incidental to, necessary for or complementary to the purposes thereof, provided that so long as any bonds or notes issued to finance any part of the Meadowlands complex are outstanding none of the revenues of the Meadowlands complex shall be used for any of the foregoing or to pay principal of or interest on any bonds or notes issued to finance an additional project. The authority shall not acquire any of the foregoing facilities until a feasibility study conducted by a private, independent consulting firm and satisfactory to the authority shall have been completed demonstrating that the reconstructed Garden State Racetrack will generate sufficient revenues to insure repayment of indebtedness

incurred to finance its acquisition and reconstruction and that it will not have a materially adverse effect on the operations and financial condition of the Meadowlands complex. In addition, the authority shall not acquire any of the foregoing facilities until the Legislature has approved the additional projects planned for said facilities. The authority shall transmit to the Legislature a copy of the feasibility study required herein, which transmittal shall occur on a day on which both Houses shall be meeting in the course of a regular or special session, and the additional projects shall be deemed to have been approved by the Legislature if, within 30 days of said transmittal, the Legislature fails to pass a concurrent resolution stating that the Legislature does not approve the additional projects.

As part thereof the authority is empowered to make capital contributions to others for transportation and other facilities, and accommodations for the public using said facilities. Any part of the sites thereof not occupied or to be occupied by such facilities may be leased by the authority for purposes determined by the authority to be consistent with or related to the purposes thereof, including but not limited to hotels and other accommodations for transients and other facilities related or incidental thereto, and in addition hereto, the authority may construct and operate or cause to be constructed or operated or both by a lessee, licensee or agent of the authority, on such site other facilities consistent with the purposes for which the authority was established, including, but not limited to, the construction of convention halls and cultural centers.

C. 5:10-30 Powers and duties of authority.

4. (New section) a. The authority is hereby authorized, licensed and empowered to apply to the racing commission for a permit or permits to hold and conduct, as part of the additional projects or any one or more thereof, horse race meetings for stake, purse or reward, and to provide a place or places on the race meeting grounds or enclosure for wagering by patrons on the result of such horse races by the parimutuel system, and to receive charges and collect all revenues, receipts and other sums from the ownership and operation thereof; provided that only the authority through its employees shall conduct such horse race meetings and wagering and the authority is expressly prohibited from placing in the control of any other person, firm or corporation the conduct of such horse racing meetings or wagering.

b. Except as otherwise provided in this section, such horse race meetings and parimutuel wagering shall be conducted by the authority in the manner and subject to compliance with the standards set forth in P. L. 1940, c. 17 (C. 5:5–22 et seq.) and the rules, regulations and conditions prescribed by the racing commission thereunder for the conduct of horse race meetings and for parimutuel betting at such meetings.

c. Application for said permit or permits shall be on such forms and shall include such accompanying data as the racing commission shall prescribe. The racing commission shall proceed to review and act on any such application within 30 days after its filing and the racing commission is authorized in its sole discretion to determine whether a permit shall be granted to the authority. If, after such review, the racing commission acts favorably on such application, a permit shall be granted to the authority without any further approval which permit shall be in substitution for and shall supersede the permit issued to the Garden State Racing Association for racing days in 1977 and shall remain in force and effect so long as any bonds or notes of the authority issued for the purposes of any of the additional projects remain outstanding, the provision of any other law to the contrary notwithstanding. In granting a permit to the authority to conduct a horse race meeting, the racing commission shall not be subject to any limitation as to the number of tracks authorized for the conduct of horse race meetings pursuant to any provision of P. L. 1940, c. 17 (C. 5:5–22 et seq.). Said permit shall set forth the dates to be allotted to the authority for its initial horse race meetings. Thereafter application for dates for horse race meetings by the authority and the allotment thereof by the racing commission, including the renewal of the same dates theretofore allotted, shall be governed by the applicable provisions of P. L. 1940, c. 17 (C. 5:5–22 et seq.). Notwithstanding the provision of any other law to the contrary, the racing commission shall allot annually to the authority in the case of harness racing, not less than 100 racing days and in the case of running racing, not less than 100 racing days at such Garden State facility, if and to the extent that application is made therefore.

d. No hearing, referendum or other election or proceeding, and no payment, surety or cash bond or other deposit, shall be required for the authority to hold or conduct the horse race meetings with parimutuel wagering herein authorized.

e. The authority shall determine the amount of the admission fee for the races and all matters relating to the collection thereof.

f. Subject to the provisions hereof, distribution of sums deposited in parimutuel pools at the racing facilities which are additional projects, to the State, to the authority and to winners and payments from the remaining balances in such pools for stakes, purses or rewards and special trust accounts for breeding and development of horses shall be made in accordance with the provisions of P. L. 1940, c. 17 (C. 5:5–22 et seq.) pertaining thereto, and as there may be amended, provided that in no event shall the percentage of the parimutuel pools distributable to the authority be reduced so long as any bonds or notes of the authority issued for any additional projects hereunder are outstanding, and further provided that, from the amounts to be paid to the State from such parimutuel pools, an amount equal to 1% of the parimutuel pools shall be set aside by the authority in a separate account and segregated from the other funds of the authority and the amounts in such account on January 1 and July 1 of each year shall be paid over to the State but only to the extent of amounts remaining after the amounts in such account shall have been applied by the authority to make up any deficiency in funds required to meet debt service payments on any bonds or notes of the authority issued for purposes of the additional projects or any one or more thereof or to make up any deficiency in any reserve created as security for such debt service payments. Any sums so distributed to the authority or so applied by it from such accounts for debt service payments or reserves therefor shall constitute revenues of the authority. Except as otherwise expressly provided in this section, the authority shall not be required to make any payments to the racing commission or others in connection with contributions to parimutuel pools.

g. All sums held by the authority for payment of outstanding parimutuel tickets not claimed by the person or persons entitled thereto within the time provided by law shall be paid to the racing commission upon the expiration of such time without further obligation to such ticketholder.

h. Except as herein provided, no admission or amusement tax, excise tax, license or horse racing fee of any kind shall be assessed or collected from the authority by the State, or by any county or municipality, or by any other body having power to assess or collect license fees or taxes.

i. Any horse race meeting and the parimutuel system of wagering upon the result of horse races held at such race meeting with respect to any additional project shall not under any circumstances, if conducted as provided in this act and in conformity thereto, be

held or construed to be unlawful, other statutes of the State to the contrary notwithstanding.

j. Each employee of the authority engaged in the conducting of horse race meetings shall obtain the appropriate license from the racing commission. The racing commission may suspend any member of the authority upon approval of the Governor and the license of any employee of the authority in connection with the conducting of horse race meetings pending a hearing by the racing commission for any violation of the laws regulating horse racing or any rule or regulation of the commission. Such hearing shall be held and conducted in the manner provided in said law.

C. 5:10-31 Rights and powers relating to Meadowlands complex.

5. (New section) Except as limited by this act, the authority may exercise with respect to the additional projects authorized under this act all the rights and powers relating to the Meadowlands complex granted to the authority under P. L. 1971, c. 137 (C. 5:10–1 et seq.) as though such rights and powers were granted under this act and made applicable to the additional projects, provided, however, that the provisions of sections 6 and 7 of P. L. 1971, c. 137 (C. 5:10–6 and C. 5:10–7) which contain special provisions with respect to the development, treatment of revenues and holding of race meetings at the Meadowlands complex and the provisions of sections 18, 22 and 23 of P. L. 1971, c. 137 (C. 5:10–18, C. 5:10–22 and C. 5:10–23) which contain special provisions as to tax exemption, site limitations and environmental matters pertaining only to the Meadowlands complex shall not be applicable to the additional projects, and provided further that provisions requiring consultation with the Meadowlands commission shall not be applicable to the additional projects. In no event shall the provisions of P. L. 1973, c. 286 (C. 5:10–14.1 et seq.) relating to the use of appropriations to make up deficiencies in amounts available for debt service on bonds issued for the authority's initial project at the Meadowlands complex be applicable to any bonds or notes issued for the additional projects.

C. 5:10-32 Revenues derived from additional projects; application; financing; purposes.

6. (New section) Revenues, moneys or other funds, if any, derived from the operation or ownership of an additional project or projects, including the conduct of horse race meetings, shall be applied in accordance with and subject to the priorities set forth in the resolution or resolutions authorizing or relating to the issuance of bonds or notes of the authority to finance such additional project

or projects to the following purposes in connection with such additional project or projects:

(1) The cost of operation and maintenance and reserves therefor;

(2) Principal, sinking fund installments and redemption premiums of and interest on any bonds or notes of the authority issued for the purposes of such additional project or projects or for the purpose of refunding the same, including reserves therefor;

(3) The costs of any major or extraordinary repairs, renewals, replacements, additions or improvements not paid pursuant to paragraph (1) above, including reserves therefor;

(4) Payments in-lieu-of-taxes required to be made pursuant to this act.

The balance remaining after application in accordance with the above and after the establishment of a reserve fund or funds for the development of a convention and cultural facility by the authority pursuant to section 3 of this act, shall be deposited in the General State Fund.

C. 5:10-33 State's pledge to holders of bonds or notes.

7. (New section) The State of New Jersey does hereby pledge to and covenant and agree with the holders of any bonds or notes issued pursuant to this act that the State will not limit or alter the rights or powers hereby vested in the authority to acquire, construct, maintain, improve, repair and operate the additional projects or any one or more thereof in any way that would jeopardize the interest of such holders, or to perform and fulfill the terms of any agreement made with the holders of such bonds or notes, or to fix, establish, charge and collect such rents, fees, rates or other charges as may be convenient or necessary to produce sufficient revenues to meet all expenses of the authority and fulfill the terms of any agreement made with the holders of such bonds and notes, together with interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of such holders, until the bonds, together with interest thereon, are fully met and discharged or provided for.

C. 5:10-34 Investments.

8. (New section) The State and all public officers, governmental units and agencies thereof, all banks, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carry-

ing on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees and other fiduciaries, may legally invest any sinking funds, moneys or other funds belonging to them or within their control in any bonds or notes issued pursuant to this act, and such bonds or notes shall be authorized security for any and all public deposits.

C. 5:10-35 Additional projects and other property of authority declared public property; exemption from taxation; exception; payments in-lieu-of taxes.

9. (New section) a. All additional projects and other property of the authority are hereby declared to be public property devoted to an essential public and governmental function and purpose and shall be exempt from all taxes and special assessments of the State or any political subdivision thereof; provided, however, that when any part of an additional project site not occupied or to be occupied by facilities of the additional project is leased by the authority to another whose property is not exempt and the leasing of which does not make the real estate taxable, the estate created by the lease and the appurtenances thereto shall be listed as the property of the lessee thereof, or his assignee, and be assessed and taxed as real estate. All bonds or notes issued pursuant to this act are hereby declared to be issued by a body corporate and public of the State and for an essential public and governmental purpose and such bonds and notes, and the interest thereon and the income therefrom, and all funds, revenues, income and other moneys received or to be received by the authority and pledged or available to pay or secure the payment of such bonds or notes, or interest thereon, shall at all times be exempt from taxation except for transfer, inheritance and estate taxes.

b. To the end that there does not occur an undue loss of future tax revenues by reason of this act, the authority annually shall make payments in-lieu-of-taxes to the municipality in which such property is located in an amount computed in each year with respect to each such municipality by multiplying the total amount to be raised by real property taxation in each such year by a fraction, the numerator of which is the amount of real property taxes assessed in 1977 against the property acquired by the authority and the denominator of which is the total amount which was raised by real property taxation in such municipality in 1977, provided however that the amount of the in-lieu-of-taxes payments shall not be less than the amount received by the municipality in 1977 from the Garden State Race Track. In addition, the authority annually

shall pay to the municipality $26,000.00 which sum shall be increased proportionately for each day of racing over the number conducted at Garden State Race Track in 1976. In addition, the authority shall reimburse Cherry Hill for reasonable, itemized expenses incurred by Cherry Hill at the request of the authority for services formerly provided by agreement between Cherry Hill and the Garden State Racing Association, plus itemized reasonable charges at cost to Cherry Hill for services provided at the request of the authority during additional racing days over 100 as agreed to by the authority and Cherry Hill. Except as expressly provided herein, the authority shall not be required to make any payments for any services supplied by the municipality. If municipal services heretofore provided by the municipality are provided by a municipal utility authority and charges are levied by such authority for services heretofore provided from general municipal revenues, such charges shall be deducted from the payments in-lieu-of-taxes herein provided. Said payments shall be computed from such time as the authority takes title to the property.

C. 5:10-36 Conflict or inconsistency in provisions of act; Legislature's intent.

10. (New section) It is the intent of the Legislature that in the event of any conflict or inconsistency in the provisions of this act and any other acts pertaining to matters therein established or provided for or in any rules and regulations adopted under this act or said other acts, to the extent of such conflict or inconsistency, the provisions of this act and the rules and regulations adopted hereunder shall be enforced and the provisions of such other acts and rules and regulations adopted thereunder shall be of no force and effect.

C. 5:10-37 Partial invalidity.

11. (New section) If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

C. 5:10-38 Construction of act.

12. (New section) This act shall be construed liberally to effectuate the legislative intent and purposes of this act as a complete and independent authority for the performance of each and every act and thing herein authorized and all powers herein

granted shall be broadly interpreted to effectuate such intent and purposes and not as a limitation of powers.

13. Section 4 of P. L. 1971, c. 137 (C. 5:10–4) is amended to read as follows:

C. 5:10-4 New Jersey Sports and Exposition Authority; establishment; membership; terms; vacancies; removal; bond; compensation; dissolution; minutes of meetings; approval or veto by Governor.

4. a. There is hereby established in the Department of Community Affairs a public body corporate and politic, with corporate succession, to be known as the "New Jersey Sports and Exposition Authority." The authority is hereby constituted as an instrumentality of the State exercising public and essential governmental functions, and the exercise by the authority of the powers conferred by the act shall be deemed and held to be an essential governmental function of the State and the application of the revenue derived from the project to the purposes provided in this act shall be deemed and held to be applied in support of government.

b. The authority shall consist of the State Treasurer, the Attorney General and a member of the Hackensack Meadowlands Development Commission to be appointed by the Governor, who shall be members ex officio, and four members appointed by the Governor with the advice and consent of the Senate for terms of 4 years, provided that the members of the authority (other than the ex-officio members) first appointed by the Governor shall serve for terms of 1 year, 2 years, 3 years and 4 years, respectively. Each member shall hold office for the term of his appointment and until his successor shall have been appointed and qualified. A member shall be eligible for reappointment. Any vacancy in the membership 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. Each appointed member may be removed from office by the Governor, for cause, after a public hearing, and may be suspended by the Governor pending the completion of such hearing. Each member 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 oaths shall be filed in the office of the Secretary of State.

d. The chairman shall be appointed by the Governor from the members of the authority other than the ex-officio members, and the members of the authority shall elect one of their number as vice

chairman thereof. The authority shall elect a secretary and a treasurer who need not be members, and the same person may be elected to serve both as secretary and treasurer. The powers of the authority shall be vested in the members thereof in office from time to time and four members 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 at least four members of the authority. No vacancy in the membership of the authority shall impair the right of a quorum of the members to exercise all the powers and perform all the duties of the authority.

e. Each member and the treasurer of the authority shall execute a bond to be conditioned upon the faithful performance of the duties of such member or treasurer, as the case may be, in such form and amount as may be prescribed by the Comptroller of the Treasury. Such bonds shall be filed in the office of the Secretary of State. At all times thereafter the members and treasurer of the authority shall maintain such bonds in full force and effect. All costs of such bonds shall be borne by the authority.

f. The members of the authority shall serve without compensation, but the authority shall reimburse its members for actual expenses necessarily incurred in the discharge of their duties. Notwithstanding the provisions of any other law, no officer or employee of the State shall be deemed to have forfeited or shall forfeit his office or employment or any benefits or emoluments thereof by reason of his acceptance of the office of ex-officio member of the authority or his services therein.

g. Each ex-officio member of the authority may designate an officer or employee of his department or agency to represent him at meetings of the authority, and each such designee may lawfully vote and otherwise act on behalf of the member for whom he constitutes the designee. Any such designation shall be in writing delivered to the authority and shall continue in effect until revoked or amended by writing delivered to the authority.

h. The authority may be dissolved by act of the Legislature on condition that the authority has no debts or obligations outstanding or that provision has been made for the payment or retirement of such debts or obligations. Upon any such dissolution of the authority all property, funds and assets thereof shall be vested in the State.

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 15 days after such copy of the minutes shall have been so delivered unless during such 15-day period the Governor shall approve the same in which case such action shall become effective upon such approval. If, in said 15-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 void and of no effect. The powers conferred in this paragraph (i) upon the Governor shall be exercised with due regard for the rights of the holders of bonds and notes of the authority at any time outstanding, and nothing in, or done pursuant to, this paragraph (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 notes or for the benefit, protection or security of the holders thereof.

14. (New section) a. The State Treasurer is hereby authorized to advance to the authority from the General State Fund a sum not to exceed $100,000.00 for the expenses incurred for feasibility studies to be conducted by the authority concerning the acquisition of the Garden State Race Track facility and for other expenses related to this project.

b. Any sum loaned to the authority shall be repaid by the authority to the General State Fund from the revenues of the Garden State Race Track facility during the first year of operation of the facility or from the proceeds of a bond issue for this facility.

15. Section 5 of P. L. 1971, c. 137 (C. 5:10-5) is amended to read as follows:

C. 5:10-5 Powers of authority.

5. Except as otherwise limited by the act, the authority shall have power:

a. To sue and be sued;

b. To have an official seal and alter the same at pleasure;

c. To make and alter bylaws for its organization and internal management and for the conduct of its affairs and business;

d. To maintain an office at such place or places within the State as it may determine;

e. To acquire, hold, use and dispose of its income, revenues, funds and moneys;

f. To acquire, lease as lessee or lessor, rent, lease, hold, use and dispose of real or personal property for its purposes;

g. To borrow money and to issue its negotiable bonds or notes and to secure the same by a mortgage on its property or any part thereof and otherwise to provide for and secure the payment thereof and to provide for the rights of the holders thereof;

h. To make and enter into all contracts, leases, and agreements for the use or occupancy of the project or any part thereof or which are necessary or incidental to the performance of its duties and the exercise of its powers under the act;

i. To make surveys, maps, plans for, and estimates of the cost of, the project;

j. To establish, acquire, construct, lease the right to construct, rehabilitate, repair, improve, own, operate, and maintain the project, and let, award and enter into construction contracts, purchase orders and other contracts with respect thereto in such manner as the authority shall determine, subject only to the provisions of section 21 of the act;

k. To fix and revise from time to time and charge and collect rents, tolls, fees and charges for the use, occupancy or services of the project or any part thereof or for admission thereto, and for the grant of concessions therein and for things furnished or services rendered by the authority;

l. To establish and enforce rules and regulations for the use or operation of the project or the conduct of its activities, and provide for the policing and the security of the project;

m. To acquire in the name of the authority by purchase or otherwise, on such terms and conditions and in such manner as it may deem proper, or, except with respect to the State, by the exercise of the power of eminent domain, any land and other property, including land under water, meadowlands, and riparian rights, which it may determine is reasonably necessary for the project or for the relocation or reconstruction of any highway by the authority and any and all rights, title and interest in such land and other property, including public lands, reservations, highways or parkways, owned by or in which the State or any county, city, borough, town, township, village, public corporation, or other political subdivision of the State has any right, title or interest, or parts thereof or rights therein and any fee simple absolute or any lesser interest in private property, and any fee simple absolute in, easements upon or the benefit of restrictions upon, abutting property to preserve and protect the project;

n. To provide through its employees, or by the grant of one or more concessions, or in part through its employees and in part by grant of one or more concessions, for the furnishing of services and things for the accommodation of persons admitted to or using the project or any part thereof;

o. To hold and conduct horse race meetings for stake, purse or reward and to provide and operate a parimutuel system of wagering at such meetings but subject only to the provisions of section 7 of the act;

p. To acquire, construct, operate, maintain, improve and make capital contributions to others for transportation and other facilities, services and accommodations for the public using the project and to lease or otherwise contract for the operation thereof;

q. Subject to any agreement with bondholders or noteholders, to invest moneys of the authority not required for immediate use, including proceeds from the sale of any bonds or notes, in such obligations, securities and other investments as the authority shall deem prudent;

r. To contract for and to accept any gifts or grants or loans of funds or property or financial or other aid in any form from the United States of America or any agency or instrumentality thereof, or from the State or any agency, instrumentality or political subdivision thereof, or from any other source and to comply, subject to the provisions of the act, with the terms and conditions thereof;

s. Subject to any agreements with bondholders or noteholders, to purchase bonds or notes of the authority out of any funds or money of the authority available therefor, and to hold, cancel or resell such bonds or notes;

t. To appoint and employ an executive director, who shall be the chief executive officer, and such additional officers who need not be members of the authority and accountants, attorneys, financial advisors or experts and all such other or different officers, agents and employees as it may require and determine their qualifications, terms of office, duties and compensation, all without regard to the provisions of Title 11, Civil Service, of the Revised Statutes, provided that, it is the express intent of the Legislature that the authority within its sole discretion shall utilize, to the fullest extent feasible, the services of the officers, personnel and consultants of the Meadowlands Commission;

u. To do and perform any acts and things authorized by the act under, through, or by means of its officers, agents or employees or by contracts with any person, firm or corporation;

v. To procure insurance against any losses in connection with its property, operations or assets in such amounts and from such insurers as it deems desirable;

w. To do any and all things necessary or convenient to carry out its purposes and exercise the powers given and granted in the act; and

x. To determine the location, type and character of the project or any part thereof and all other matters in connection with all or any part of the project, notwithstanding any land use plan, zoning regulation, building code or similar regulation heretofore or hereafter adopted by the State, any municipality, county, public body politic and corporate, including but not limited to the Meadowlands commission, or any other political subdivision of the State, provided that the authority shall consult with the Meadowlands commission before making any determination as to the location, type and character of the project.

16. This act shall take effect immediately.

Approved February 23, 1978.

CHAPTER 2

AN ACT concerning approvals of leases by the State of offices and buildings 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, 1978 and regulating the disbursement thereof," approved June 30, 1977 (P. L. 1977, c. 137).

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

1. Notwithstanding the provisions of the act to which this act is a supplement or of any other law, no lease for the rent of any office or building by the State shall be executed without prior written approval of the State Treasurer, the Director of the Division of Budget and Accounting, the President pro tempore of the Senate and the Speaker of the General Assembly.

2. This act shall take effect immediately.

Approved February 24, 1978.

CHAPTER 3

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, 1978 and regulating the disbursement thereof," approved June 30, 1977 (P. L. 1977, c. 137).

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

1. The following sums are hereby appropriated out of the General State Fund:

DEPARTMENT OF THE TREASURY

71200. CENTRAL MANAGEMENT, PLANNING AND CONTROL

Such additional sums as may be necessary for payment of principal due from the issuance of any bonds authorized under the several bond acts of the State, are hereby appropriated.

2. This act shall take effect immediately.

Approved February 24, 1978.

CHAPTER 4

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, 1978 and regulating the disbursement thereof," approved June 30, 1977 (P. L. 1977, c. 137).

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

1. There is hereby appropriated out of the General Treasury the following:

DEPARTMENT OF LABOR AND INDUSTRY

DEPARTMENT MANAGEMENT AND ECONOMIC DEVELOPMENT

59300. SOUTH JERSEY PORT CORPORATION

Extraordinary:	
Supplemental requirements for fiscal year 1977-78 for the South Jersey Port Corporation Debt Service Reserve Fund, pursuant to C. 12:11A–14	$127,261.00
Total Appropriation	$127,261.00

2. This act shall take effect immediately.

Approved February 28, 1978.

CHAPTER 5

AN ACT concerning certain persons in temporary public employment and supplementing chapter 15 of Title 45 of the Revised Statutes.

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

C. 45:15-1.1 Role of housing referral aide.

1. A person employed in a participant position as a housing referral aide under any program established and funded pursuant to the Comprehensive Employment and Training Act of 1973, Pub. L. 93–203, 29 U. S. C. 801 et seq., while performing his duties in such position, shall not be deemed to be engaged in the business of a real estate broker or salesman under the provisions of chapter 15 of Title 45 of the Revised Statutes.

2. This act shall take effect immediately.

Approved March 15, 1978.

CHAPTER 6

AN ACT concerning county prosecutors and assistant county prosecutors of certain counties and amending P. L. 1970, c. 6 and P. L. 1976, c. 15.

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

1. Section 1 of P. L. 1970, c. 6 (C. 2A:158–1.1) is amended to read as follows:

C. 2A:158-1.1 County prosecutors in certain counties; full-time duties.

1. Any person appointed on or after January 20, 1970 to the office of county prosecutor of any of the following counties shall devote his entire time to the duties of his office and shall not engage in the practice of law or other gainful employment:

a. Counties of the first class;

b. Counties of the second class;

c. Counties of the third class having a population between 60,000 and 72,000 under the 1970 census;

d. Counties of the third class having a population in excess of 175,000 under the 1970 Federal census;

e. Counties of the fifth class; and

f. Counties of the sixth class.

Any county prosecutor of any of the aforementioned counties in office on the effective date of this amendatory act who shall elect to devote his entire time to the duties of such office for the remainder of his term may elect so to do by filing a written election with the Governor, the Attorney General, the Secretary of State and the clerk of the board of chosen freeholders.

2. Section 2 of P. L. 1976, c. 15 (C. 2A:158–15.1a) is amended to read as follows:

C. 2A:158-15.1a Assistant prosecutors in certain counties; certain provisions of act not applicable.

2. The provisions of P. L. 1970, c. 6, s. 3 (C. 2A:158–15.1) shall not apply to any assistant prosecutor in a county of the fifth class having a population of less than 150,000 under the 1960 Federal census, to any assistant prosecutor in a county of the third class having a population of less than 61,000 under the 1970 Federal census or to any assistant prosecutor in a county of the sixth class; provided, however, that the county prosecutor of any such county,

where there appears to be a reasonable necessity therefor and where approved by order of the assignment judge, may direct that any assistant prosecutor devote his entire time to the duties of such office and not engage in the practice of law or other gainful employment.

3. This act shall take effect immediately.

Approved March 17, 1978.

CHAPTER 7

AN ACT to amend and supplement the "Casino Control Act," approved June 2, 1977 (P. L. 1977, c. 110).

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

1. Section 1 of P. L. 1977, c. 110 (C. 5:12–1) is amended to read as follows:

C. 5:12-1 Short title; declaration of policy and legislative findings.

1. Short Title; Declaration of Policy and Legislative Findings.

a. This act shall be known and may be cited as the "Casino Control Act."

b. The Legislature hereby finds, and declares to be the public policy of this State, the following:

(1) The tourist, resort and convention industry of this State constitutes a critical component of its economic structure and, if properly developed, controlled and fostered, is capable of providing a substantial contribution to the general welfare, health and prosperity of the State and its inhabitants.

(2) By reason of its location, natural resources and worldwide prominence and reputation, the city of Atlantic City and its resort, tourist and convention industry represent a critically important and valuable asset in the continued viability and economic strength of the tourist, convention and resort, industry of the State of New Jersey.

(3) The rehabilitation and redevelopment of existing tourist and convention facilities in Atlantic City, and the fostering and encouragement of new construction and the replacement of lost convention, tourist, entertainment and cultural centers in Atlantic City

will offer a unique opportunity for the inhabitants of the entire State to make maximum use of the natural resources available in Atlantic City for the expansion and encouragement of New Jersey's hospitality industry, and to that end, the restoration of Atlantic City as the Playground of the World and the major hospitality center of the Eastern United States is found to be a program of critical concern and importance to the inhabitants of the State of New Jersey.

(4) Legalized casino gaming has been approved by the citizens of New Jersey as a unique tool of urban redevelopment for Atlantic City. In this regard, the introduction of a limited number of casino rooms in major hotel convention complexes, permitted as an additional element in the hospitality industry of Atlantic City, will facilitate the redevelopment of existing blighted areas and the refurbishing and expansion of existing hotel, convention, tourist, and entertainment facilities; encourage the replacement of lost hospitality-oriented facilities; provide for judicious use of open space for leisure time and recreational activities; and attract new investment capital to New Jersey in general and to Atlantic City in particular.

(5) Restricting the issuance of casino licenses to major hotel and convention facilities is designed to assure that the existing nature and tone of the hospitality industry in New Jersey and in Atlantic City is preserved, and that the casino rooms licensed pursuant to the provisions of this act are always offered and maintained as an integral element of such hospitality facilities, rather than as the industry unto themselves that they have become in other jurisdictions.

(6) An integral and essential element of the regulation and control of such casino facilities by the State rests in the public confidence and trust in the credibility and integrity of the regulatory process and of casino operations. To further such public confidence and trust, the regulatory provisions of this act are designed to extend strict State regulation to all persons, locations, practices and associations related to the operation of licensed casino enterprises and all related service industries as herein provided. In addition, licensure of a limited number of casino establishments, with the comprehensive law-enforcement supervision attendant thereto, is further designed to contribute to the public confidence and trust in the efficacy and integrity of the regulatory process.

(7) Legalized casino gaming in New Jersey can attain, maintain and retain integrity, public confidence and trust, and remain com-

patible with the general public interest only under such a system of control and regulation as insures, so far as practicable, the exclusion from participation therein of persons with known criminal records, habits or associations, and the exclusion or removal from any positions of authority or responsibility within casino gaming operations and establishments of any persons known to be so deficient in business probity, ability or experience, either generally or with specific reference to gaming, as to create or enhance the dangers of unsound, unfair or illegal practices, methods and activities in the conduct of gaming or the carrying on of the business and financial arrangements incident thereto.

(8) Since the public has a vital interest in casino operations in Atlantic City and has established an exception to the general policy of the State concerning gaming for private gain, participation in casino operations as a licensee under this act shall be deemed a revocable privilege conditioned upon the proper and continued qualification of the individual licensee and upon the discharge of the affirmative responsibility of each such licensee to provide to the regulatory and investigatory authorities established by this act any assistance and information necessary to assure that the policies declared by this act are achieved. Consistent with this policy, it is the intent of this act to preclude the creation of any property right in any license, certificate or reservation permitted by this act, the accrual of any value to the privilege of participation in gaming operations, or the transfer of any license, certificate, or reservation, and to require that participation in gaming be solely conditioned upon the individual qualifications of the person seeking such privilege.

(9) Since casino operations are especially sensitive and in need of public control and supervision, and since it is vital to the interests of the State to prevent entry, directly or indirectly, into such operations or the ancillary industries regulated by this act of persons who have pursued economic gains in an occupational manner or context which are in violation of the criminal or civil public policies of this State, the regulatory and investigatory powers and duties shall be exercised to the fullest extent consistent with law to avoid entry of such persons into the casino operations or the ancillary industries regulated by this act.

(10) Since the development of casino gaming operations in Atlantic City will substantially alter the environment of New Jersey's coastal areas, and since it is necessary to insure that this substantial alteration be beneficial to the overall ecology of the

coastal areas, the regulatory and investigatory powers and duties conferred by this act shall include, in cooperation with other public agencies, the power and the duty to monitor and regulate casinos and the growth of casino operations to respond to the needs of the coastal areas.

(11) The facilities in which licensed casinos are to be located are of vital law enforcement and social interest to the State, and it is in the public interest that the regulatory and investigatory powers and duties conferred by this act include the power and duty to review architectural and site plans to assure that the proposal is suitable by law enforcement, aesthetic and architectural standards.

(12) Since the economic stability of casino operations is in the public interest and competition in the casino operations in Atlantic City is desirable and necessary to assure the residents of Atlantic City and of this State and other visitors to Atlantic City varied attractions and exceptional facilities, the regulatory and investigatory powers and duties conferred by this act shall include the power and duty to regulate, control and prevent economic concentration in the casino operations and the ancillary industries regulated by this act, and to encourage and preserve competition.

(13) It is in the public interest that the institution of licensed casino establishments in New Jersey be strictly regulated and controlled pursuant to the above findings and pursuant to the provisions of this act, which provisions are designed to engender and maintain public confidence and trust in the regulation of the licensed enterprises, to provide an effective method of rebuilding and redeveloping existing facilities and of encouraging new capital investment in Atlantic City, and to provide a meaningful and permanent contribution to the economic viability of the resort, convention, and tourist industry of New Jersey.

(14) Confidence in casino gaming operations is eroded to the extent the State of New Jersey does not provide a regulatory framework for casino gaming that permits and promotes stability and continuity in casino gaming operations.

(15) Continuity and stability in casino gaming operations cannot be achieved at the risk of permitting persons with unacceptable backgrounds and records of behavior to control casino gaming operations contrary to the vital law enforcement interest of the State.

(16) The aims of continuity and stability and of law enforcement will best be served by a system in which applicant entities and

investors in those applicant entities can be assured of prompt and continuous casino operation under certain circumstances wherein the applicant has not yet been fully licensed, or has had a license suspended or revoked, as long as control of the applicant's operation under such circumstances may be placed in the possession of a person or persons in whom the public may feel a confidence and a trust.

(17) A system whereby the satisfaction of certain appropriate criteria, including the execution of a voting trust agreement, permits temporary casino operation prior to licensure and whereby the suspension or revocation of casino operations under certain appropriate circumstances causes the imposition of a conservatorship upon the suspended or revoked casino operation serves both the economic and law enforcement interests involved in casino gaming operations.

2. Section 10 of P. L. 1977, c. 110 (C. 5:12–10) is amended to read as follows:

C. 5:12-10 "Casino License".

10. "Casino License"—Any license issued pursuant to this act which authorizes the holder thereof to own or operate a casino. The term "casino license" shall not include a "temporary casino permit".

C. 5:12-14.3 "Creditor".

3. (New section) "Creditor"—The holder of any claim, of whatever character, against a person, whether secured or unsecured, matured or unmatured, liquidated or unliquidated, absolute, fixed or contingent.

C. 5:12-14.4 "Debt".

4. (New section) "Debt"—Any legal liability, whether matured or unmatured, liquidated or unliquidated, absolute, fixed or contingent.

C. 5:12-16.1 "Encumbrance".

5. (New section) "Encumbrance"—A mortgage, security interest, lien or charge of any nature in or upon property.

C. 5:12-38.1 "Property".

6. (New section) "Property"—Real property, tangible and intangible personal property, and rights, claims and franchises of every nature.

7. Section 39 of P. L. 1977, c. 110 (C. 5:12–39) is amended to read as follows:

C. 5:12-39 "Publicly Traded Corporation".

39. "Publicly Traded Corporation"—Any corporation or other legal entity, except a natural person, which

a. Has one or more classes of security registered pursuant to section 12 of the Securities Exchange Act of 1934, as amended (15 U. S. C. section 781), or

b. Is an issuer subject to section 15 (d) of the Securities Exchange Act of 1934 as amended (15 U. S. C. 780), or

c. Has one or more classes of securities traded in any open market in any foreign jurisdiction or regulated pursuant to a statute of any foreign jurisdiction which the commission determines to be substantially similar to either or both of the aforementioned statutes.

C. 5:12-14.1 "Conservator".

8. (New section) "Conservator"—A fiduciary appointed pursuant to the Article concerning Casino License Conservatorship in the Casino Control Act.

C. 5:12-14.2 "Conservatorship Action".

9. (New section) "Conservatorship Action"—An action brought pursuant to the Article concerning Casino License Conservatorship in the Casino Control Act for the appointment of a conservator.

C. 5:12-42.1 "Resident".

10. (New section) "Resident"—Any person who occupies a dwelling within the State, has a present intent to remain within the State for a period of time, and manifests the genuineness of that intent by establishing an ongoing physical presence within the State together with indicia that his presence within the State is something other than merely transitory in nature.

C. 5:12-47.1 "Temporary Casino Permit".

11. (New section) "Temporary Casino Permit"—A permit issued pursuant to this amendatory and supplementary act which authorizes the holder thereof to operate temporarily a casino pending a final determination on a casino license application.

C. 5:12-47.2 "Transfer".

12. (New section) "Transfer"—The sale and every other method, direct or indirect, of disposing of or parting with property or with an interest therein, or with the possession thereof, or of fixing a lien upon property or upon an interest therein, absolutely or conditionally, voluntarily or involuntarily, by or without judicial proceedings, as a conveyance, sale, payment, pledge, mortgage,

lien, encumbrance, gift, security or otherwise; the retention of a security interest in property delivered to a corporation shall be deemed a transfer suffered by such corporation.

13. Section 59 of P. L. 1977, c. 110 (C. 5:12–59) is amended to read as follows:

C. 5:12-59 Employment restrictions on commissioners; commission employees and division employees.

59. Employment Restrictions on Commissioners, Commission Employees and Division Employees. a. The "New Jersey Conflicts of Interest Law" (P. L. 1971, c. 182; C. 52:13D–12 et seq.) shall apply to members of the Commission and to all employees of the Commission and the Division, except as herein specifically provided.

b. A Code of Ethics governing the specific needs of the Commission and the Division shall be promulgated by each and shall include, among other provisions, that:

(1) No commission member or employee or division employee or agent shall be permitted to gamble in any establishment licensed by the commission except in the course of his duties.

(2) No commission member or employee or division employee or agent shall solicit or accept employment from any person licensed by or registered with the commission or from any applicant for a period of 4 years after termination of service with the commission, or division, unless subject to section 60 b. of this act.

c. No commission member or employee or division employee or agent shall have any interest, direct or indirect, in any applicant or in any person licensed by or registered with the commission during his term of office or employment.

d. No commission member shall be employed in any capacity by any person licensed by or registered with the commission.

e. Each employee of the commission, including legal counsel, and each employee and agent of the division shall devote his entire time and attention to his duties and shall not pursue any other business or occupation or other gainful employment; provided, however, that secretarial and clerical personnel may engage in such other gainful employment as shall not interfere with their duties to the commission or division, unless otherwise directed; and further provided, that the commission may employ hearing examiners on a part-time basis.

f. No member of the commission, employee of the commission, or employee or agent of the division shall:

(1) Use his official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;

(2) Directly or indirectly coerce, attempt to coerce, command or advise any person to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes; or

(3) Take any active part in political campaigns or the management thereof; provided, however, that nothing herein shall prohibit a person from voting as he chooses or from expressing his personal opinions on political subjects and candidates.

g. For the purpose of applying the provisions of the "New Jersey Conflicts of Interest Law," any consultant or other person under contract for services to the commission shall be deemed to be a Special State employee. Such person and any corporation, firm or partnership in which he has an interest or by which he is employed shall not represent any person or party other than the commission before the commission.

14. Section 81 of P. L. 1977, c. 110 (C. 5:12-81) is amended to read as follows:

C. 5:12-81 Statement of compliance.

81. Statement of Compliance. a. The commission may issue a statement of compliance to an applicant for any license under this act at any time the commission is satisfied that one or more particular eligibility criteria have been satisfied by an applicant.

b. Such statement shall specify the eligibility criterion satisfied, the date of such satisfaction and a reservation to the commission to revoke the statement of compliance at any time based upon a change of circumstances affecting such compliance.

c. A statement of compliance certifying satisfaction of all of the requirements of subsection 84e. of this act with respect to a specific casino hotel proposal submitted by an eligible applicant may be accompanied by a written commitment from the commission that a casino license shall be reserved for a period not to exceed 30 months or within such additional time period as the commission may, upon a showing of good cause therefor, establish and shall be issued to such eligible applicant with respect to such proposal provided that such applicant (1) complies in all respects with the provisions of this act, (2) qualifies for a casino license within a period not to exceed 30 months of the date of such commitment or within such additional time period as the commission may, upon a showing

of good cause therefor, establish and (3) complies with such other conditions as the commission shall impose. The commission may revoke such reservation at any time it finds that the applicant is disqualified from receiving or holding a casino license or has failed to comply with any conditions imposed by the commission. Such reservation shall be automatically revoked if the applicant does not qualify for a casino license within the period of such commitment.

15. Section 82 of P. L. 1977, c. 110 (C. 5:12–82) is amended to read as follows:

C. 5:12-82 Casino license—Applicant eligibility.

82. Casino License—Applicant Eligibility. a. No casino shall operate unless all necessary licenses and approvals therefor have been obtained in accordance with law.

b. Any person shall be eligible to apply for a casino license if he agrees to comply in all respects with this act and the regulations promulgated hereunder and if he:

(1) Owns 100% of an approved hotel as herein defined; or

(2) Leases 100% of an approved hotel in accordance with the provisions of section 104 a. of this act; or

(3) Owns or has a contract to purchase or construct a hotel, or leases or has an agreement to lease in accordance with the provisions of section 104 a. of this act 100% of a hotel, which, in the judgment of the commission, can become an approved hotel within 30 months or within such additional time period as the commission may, upon a showing of good cause therefor, establish; or

(4) Has a written agreement, with a casino license or with an eligible applicant for a casino license, for the complete management of a casino in accordance with the provisions of section 104a. of this act, and owns 100% of or controls any approved hotel, including the approved hotel which is the subject of the management agreement. For purposes of this subsection, control of an approved hotel shall mean the ownership of at least 10% of all outstanding equity securities of a casino licensee or of an eligible applicant for a casino license, and the sole and unrestricted power to direct the operations of such casino licensee or eligible applicant.

c. No casino license shall be issued to any person leasing a hotel pursuant to section 104 a. hereof unless a separate casino license has first been issued to the owner of the casino hotel facility which is the subject of such lease.

d. No corporation shall be eligible to apply for a casino license unless the corporation shall:

(1) Be incorporated in the State of New Jersey, although such corporation may be a wholly or partially owned subsidiary of a corporation which is organized pursuant to the laws of another State of the United States or of a foreign country;

(2) Maintain an office of the corporation in the premises licensed or to be licensed;

(3) Comply with all the requirements of the laws of the State of New Jersey pertaining to corporations;

(4) Maintain a ledger in the principal office of the corporation in New Jersey which shall at all times reflect the current ownership of every class of security issued by the corporation and shall be available for inspection by the commission or the division and authorized agents of the commission and the division at all reasonable times without notice;

(5) Maintain all operating accounts required by the commission in a bank in New Jersey;

(6) Include among the purposes stated in its certificate of incorporation the conduct of casino gaming and provide that the certificate of incorporation includes all provisions required by this act;

(7) If it is not a publicly traded corporation, file with the commission such adopted corporate charter or by-laws provisions as may be necessary to establish the right of the commission to approve future transfers of corporate securities, shares, and other interests in the applicant corporation and in any holding company, intermediary company, or subsidiary thereof; and, if it is a publicly traded corporation, said corporation shall provide in its corporate charter or by-laws that any securities of such corporation are held subject to the condition that if a holder thereof is found to be disqualified by the commission pursuant to the provisions of this act, such holder shall dispose of his interest in the corporation; provided, however, that, notwithstanding the provisions of N. J. S. 14A:7–12 and N. J. S. 12A:8–101 et seq., nothing herein shall be deemed to require that any security of such corporation bear any legend to this effect; and

(8) If it is not a publicly traded corporation, establish to the satisfaction of the commission that appropriate charter or by-law provisions create the absolute right of such corporations and companies to repurchase at the market price or the purchase price, whichever is the lesser, any security, share or other interest in the

corporation in the event that the commission disapproves a transfer in accordance with the provisions of this act.

e. No person shall be issued or be the holder of more than three casino licenses. For the purpose of this subsection a person shall be considered the holder of a casino license if such license is issued to such person or if such license is held by any holding, intermediary or subsidiary company thereof, or by any officer, director, casino key employee or principal employee of such person, or of any holding, intermediary or subsidiary company thereof.

16. Section 87 of P. L. 1977, c. 110 (C. 5:12–87) is amended to read as follows:

C. 5:12-87 Investigation of applicants for casino licenses; order approving or denying license.

87. Investigation of Applicants For Casino Licenses; Order Approving or Denying License.

a. Upon the filing of an application for a casino license and such supplemental information as the commission may require, the commission shall request the division to conduct such investigation into the qualification of the applicant, and the commission shall conduct a hearing thereon concerning the qualification of the applicant in accordance with its regulations.

b. After such investigation and hearing, the commission may either deny the application or grant a casino license to an applicant whom it determines to be qualified to hold such license.

c. The commission shall have the authority to deny any application pursuant to the provisions of this act. When an application is denied, the commission shall prepare and file an order denying such application with the general reasons therefor, and if requested by the applicant, shall further prepare and file a statement of the reasons for the denial, including the specific findings of facts.

d. After an application is submitted to the commission, final action of the commission shall be taken within 90 days after completion of all hearings and investigations and the receipt of all information required by the commission.

e. If satisfied that an applicant is qualified to receive a casino license, and upon tender of all license fees and taxes as required by law and regulations of the commission, and such bonds as the commission may require for the faithful performance of all requirements imposed by law or regulations, the commission shall issue a casino license for the term of one year.

f. The commission shall fix the amount of the bond or bonds to be required under this section in such amounts as it may deem

appropriate, by rules of uniform application. The bonds so furnished may be applied by the commission to the payment of any unpaid liability of the licensee under this act. The bond shall be furnished in cash or negotiable securities, by a surety bond guaranteed by a satisfactory guarantor, or by an irrevocable letter of credit issued by a banking institution of this State acceptable to the commission. If furnished in cash or negotiable securities, the principal shall be placed without restriction at the disposal of the commission, but any income shall inure to the benefit of the licensee.

g. No more than one casino license may be issued with respect to any approved hotel, except that in the case of any lease agreement or management contract approved in accordance with section 104 of this act, each party to such agreement or contract may be issued a casino license.

17. Section 89 of P. L. 1977, c. 110 (C. 5:12–89) is amended to read as follows:

C. 5:12-89 Licensing of casino key employees.

89. Licensing of Casino Key Employees. a. No person may be employed as a casino employee unless he is the holder of a valid casino key employee license issued by the commission.

b. Each applicant must, prior to the issuance of any casino key employee license, produce information, documentation and assurances concerning the following qualification criteria:

(1) Each applicant for a casino key employee license shall produce such information, documentation and assurances as may be required to establish by clear and convincing evidence the financial stability, integrity and responsibility of the applicant, including but not limited to bank references, business and personal income and disbursements schedules, tax returns and other reports filed with governmental agencies, and business and personal accounting and check records and ledgers. In addition, each applicant shall, in writing, authorize the examination of all bank accounts and records as may be deemed necessary by the commission or the division.

(2) Each applicant for a casino key employee license shall produce such information, documentation and assurances as may be required to establish by clear and convincing evidence the applicant's reputation for good character, honesty and integrity. Such information shall include, without limitation, data pertaining to family, habits, character, criminal and arrest record, business activities, financial affairs, and business, professional and personal associates, covering at least the 10-year period immediately preceding the filing of the application. Each applicant shall notify

the commission of any civil judgments obtained against such applicant pertaining to antitrust or security regulation laws of the Federal government, of this State or of any other State, jurisdiction, province or country. In addition, each applicant shall produce letters of reference from law enforcement agencies having jurisdiction in the applicant's place of residence and principal place of business, which letters of reference shall indicate that such law enforcement agencies do not have any pertinent information concerning the applicant, or if such law enforcement agency does have information pertaining to the applicant, shall specify what that information is. If the applicant has been associated with gaming or casino operations in any capacity, position or employment in a jurisdiction which permits such activity, the applicant shall produce letters of reference from the gaming or casino enforcement or control agency which shall specify the experiences of such agency with the applicant, his associates and his participation in the gaming operations of that jurisdiction; provided, however, that if no such letters are received within 60 days of request therefor, the applicant may submit a statement under oath that he is or was during the period such activities were conducted in good standing with such gaming or casino enforcement or control agency.

(3) Each applicant shall produce such information, documentation and assurances as may be required to establish by clear and convincing evidence that the applicant has sufficient business ability and casino experience as to establish the reasonable likelihood of success and efficiency in the particular position involved.

(4) Each applicant shall be a resident of the State of New Jersey prior to the issuance of a casino key employee license.

The commission may also, by regulation, require that all applicants for casino key employee licenses be residents of this State for a period not to exceed 6 months immediately prior to the issuance of such license, but application may be made prior to the expiration of the required period of residency. The commission shall, by resolution, waive the required residency period for an applicant upon a showing that the residency period would cause undue hardship upon the casino licensee which intends to employ said applicant, or upon a showing of other good cause.

c. The commission shall endorse upon any license issued hereunder the particular positions as defined by this act or by regulation which the licensee is qualified to hold.

d. The commission shall deny a casino key employee license to any applicant who is disqualified on the basis of the criteria contained in section 86 of this act.

18. Section 90 of P. L. 1977, c. 110 (C. 5:12–90) is amended to read as follows:

C. 5:12-90 Licensing of casino employees.

90. Licensing of Casino Employees. a. No person may commence employment as a casino employee unless he is the holder of a valid casino employee license issued by the commission.

b. Any applicant for a casino employee license must, prior to the issuance of any such license, produce sufficient information, documentation and assurances to meet the qualification criteria, including New Jersey residency, contained in subsection b. of section 89 of this act and any additional residency requirement imposed under subsection c. of this section; except that the standards for business ability and casino experience may be satisfied by a showing of casino job experience and knowledge of the provisions of this act and regulations pertaining to the particular position involved, or by successful completion of a course of study at a licensed school in an approved curriculum.

c. The commission may, by regulation, require that all applicants for casino employee licenses be residents of this State for a period not to exceed 6 months immediately prior to the issuance of such license, but application may be made prior to the expiration of the required period of residency. The commission shall, by resolution, waive the required residency period for an applicant upon a showing that the residency period would cause undue hardship upon the casino licensee which intends to employ said applicant, or upon a showing of other good cause.

d. The commission shall endorse upon any license issued hereunder the particular positions as defined by regulation which the licensee is qualified to hold.

e. The commission shall deny a casino employee license to any applicant who is disqualified on the basis of the criteria contained in section 86 of this act.

f. For purposes of this section, casino security employees shall be considered casino employees and must, in addition to any requirements under other laws, be licensed in accordance with the provisions of this act.

19. Section 91 of P. L. 1977, c. 110 (C. 5:12–91) is amended to read as follows:

C. 5:12-91 Casino hotel employee licenses.

91. Casino Hotel Employee Licenses. a. No person may commence employment as a casino hotel employee unless he is the holder of a valid casino hotel employee license issued by the chairman.

b. Any applicant for a casino hotel employee license must, prior to the issuance of any such license, produce sufficient information, documentation and assurances to meet the qualification criteria, including New Jersey residency, contained in subsections b.(1), b.(2) and b.(4) of section 89 of this act and any additional residency requirement imposed under subsection c. of this section. No casino hotel employee license shall be issued to any person disqualified on the basis of the criteria contained in section 86 of this act.

c. The commission may, by regulation, require that all applicants for casino hotel employee licenses be residents of this State for a period not to exceed 3 months immediately prior to the issuance of such license, but application may be made prior to the expiration of the required period of residency. The chairman shall waive the required residency period for an applicant upon a showing that the residency period would cause undue hardship upon the casino licensee which intends to employ said applicant, or upon a showing of other good cause.

d. Notwithstanding the provisions of subsection b. of this section, no applicant shall be denied a casino hotel employee license on the basis of a conviction of any of the offenses enumerated in this act as disqualification criteria, provided that the applicant has demonstrated his rehabilitation or can produce a certificate of rehabilitation, or that the offense for which the applicant has been convicted is not reasonably related to the duties for which the applicant will be employed in the casino hotel.

e. The commission may waive any disqualification criterion for a casino hotel employee consistent with the public policy of this act and upon a finding that the interests of justice so require.

f. A temporary license of 5 days duration may be issued by the chairman if in his judgment the issuance of a permanent license will be restricted by necessary investigations and said temporary licensing of the applicant is necessary for the continuing operations of the hotel.

20. Section 92 of P. L. 1977, c. 110 (C. 5:12–92) is amended to read as follows:

C. 5:12-92 Licensing and registration of casino service industries.

92. Licensing and Registration of Casino Service Industries. a. All casino service industries offering goods or services on a regular basis which directly relate to casino or gaming activity, including gaming equipment manufacturers, suppliers and repairers, schools teaching gaming and either playing or dealing techniques, and casino security services, shall be licensed in accordance with the provisions of this act prior to conducting any business whatsoever with a casino licensee, its employees or agents, and in the case of a school, prior to enrollment of any students or offering of any courses to the public whether for compensation or not.

b. Each casino service industry in subsection a. of this section, as well as its owners, management and supervisory personnel and other principal employees must qualify under the standards, except residency, established for qualification of a casino key employee under this act. In addition, if the business or enterprise is a school teaching gaming and either playing or dealing techniques, each resident director, instructor, principal employee, and sales representative employed thereby shall be licensed under the standards established for qualification of a casino employee under this act; provided, however, that nothing in this subsection shall be deemed to require, in the case of a public school district or a public institution of higher education, the licensure or qualification of any individuals except those instructors and other principal employees responsible for the teaching of playing or dealing techniques.

c. All casino service industries not included in subsection a. of this section shall be licensed in accordance with rules of the commission prior to commencement or continuation of any business with a casino licensee or its agents. Such casino service industries, whether or not directly related to gaming operations, shall include suppliers of alcoholic beverages, food and nonalcoholic beverages; garbage handlers; vending machine providers; linen suppliers; maintenance companies; shopkeepers located within the approved hotel; and limousine services contracting with casino licensees. The commission may exempt any person or field of commerce from the licensing requirements of this subsection if it finds that such person or field of commerce is regulated by a public agency and that licensure is not necessary to protect the public interest or to accomplish the policies established by this act.

d. Licensure pursuant to subsection c. of this section of any casino service industry may be denied to any applicant disqualified in accordance with the criteria contained in section 86 of this act.

(New Article) TEMPORARY CASINO PERMITS

C. 5:12-95.1 Eligibility and requirements.

21. (New section) Eligibility and Requirements. Notwithstanding any other provision of the Casino Control Act, the commission may grant a temporary casino permit upon the filing by a casino license applicant of a formal request for same in accordance with such rules and regulations as may be promulgated by the commission and when, by the affirmative vote of four members, it finds by clear and convincing evidence:

a. That the applicant is a corporate entity;

b. That statements of compliance pursuant to section 81 of P. L. 1977, c. 110 (C. 5:12–81) have been issued to the applicant with respect to sections 82, 84(e), 85(a) and 85(b) of P. L. 1977, c. 110 (C. 5:12–82, 84(e), 85(a) and (b));

c. That the proposed casino hotel facility is an approved hotel in accordance with the requirements of section 83 of P. L. 1977, c. 110 (C. 5:12–83);

d. That a voting trust agreement as provided in this article has been instituted in accordance with N. J. S. 14A:5–20 and a statement of compliance pursuant to section 81 of P. L. 1977, c. 110 (C. 5:12–81) has been issued to the applicant with regard thereto;

e. That the applicant has deposited with the commission a fully executed copy of the voting trust agreement, that all outstanding shares have been surrendered to the applicant for cancellation, and that duplicate legended shares have been reissued which are specifically made subject to the voting trust agreement in accordance with N. J. S. 14A:7–12 and N. J. S. 12A:8–101 et seq.;

f. That all the shares of the corporate entity shall be subject to the voting trust agreement;

g. That the voting trust agreement may, at the discretion of the commission, become effective at such time as any person required to be qualified under the Casino Control Act as a condition of a casino license is found to be unqualified or at such time as any sanction whatsoever is imposed upon the temporary casino permittee by the commission; provided, however, that, in considering whether to order the voting trust to be effective in the event of the imposition of a sanction in a particular case, the commission shall, among other things, consider:

(1) The risk to the public and to the integrity of gaming operations created by the conduct of the permittee;

(2) The seriousness of the conduct of the permittee, and whether the conduct was purposeful and with knowledge that it was in

contravention of the provisions of the Casino Control Act as amended and supplemented or regulations promulgated hereunder;

(3) Any justification or excuse for such conduct by the permittee;

(4) The prior history of the particular permittee involved with respect to gaming activity;

(5) The corrective action taken by the permittee to prevent future misconduct of a like nature from occurring.

h. That the voting trust agreement contains such conditions as the commission may deem necessary or desirable, including, but not limited to, the unencumbered ability of the trustee or trustees to vote the shares;

i. That the term of the voting trust agreement shall extend for the term of the temporary casino permit; and

j. That the temporary casino permit will best serve the interests of the public with particular reference to the policies and purposes enumerated in section 1 of this amendatory and supplementary act.

C. 5:12-95.2 Selection of trustee or trustees.

21A. (New section) Selection of the Trustee or Trustees. An applicant for a temporary casino permit shall propose the trustee or trustees of the voting trust agreement, subject to the approval of and appointment by the commission. Said trustee or trustees shall satisfy the qualification criteria applicable to a casino key employee, except for residency and casino experience. The compensation for the services, costs, and expenses of said trustee or trustees shall be stated in the voting trust agreement and shall be approved by the commission.

C. 5:12-95.3 Commission consideration of a formal request for a temporary casino permit.

22. (New section) Commission Consideration of a Formal Request for a Temporary Casino Permit. The commission's consideration of a formal request for a temporary casino permit shall be based upon the criteria enumerated in section 21 of this amendatory and supplementary act and shall include, but not be limited to, consideration of such relevant information as may be presented to it by the division. The division shall not be required to disclose any information the disclosure of which, in its judgment, may prejudice or otherwise compromise any continuing investigation.

C. 5:12-95.4 Qualification of persons connected with a temporary casino permit applicant.

23. (New section) Qualification of Persons Connected with a Temporary Casino Permit Applicant. A temporary casino permit

may be issued by the commission without the qualifying of those persons whose qualification would otherwise be required by sections 85 (c) and 85 (d) of P. L. 1977, c. 110 (C. 5:12–85 (c) and 85 (d)).

C. 5:12-95.5 Hearings.

24. (New section) Hearings. Upon the filing of a formal request for a temporary casino permit, the commission shall schedule and conduct a hearing on the matter, and a decision on the granting of a temporary casino permit shall be rendered no later than 42 days following said request.

C. 5:12-95.6 Obligations and responsibilities of a temporary casino permittee.

25. (New section) Obligations and Responsibilities of a Temporary Casino Permittee. Upon the issuance of a temporary casino permit pursuant to this amendatory and supplementary act, the temporary casino permittee shall be subject to all provisions of the Casino Control Act and the regulations promulgated thereunder with respect to those obligations and responsibilities incumbent upon a casino licensee, including, but not limited to, the requirement of the issuance of an operation certificate pursuant to section 96 of P. L. 1977, c. 110 (C. 5:12–96) prior to the conduct of any gaming activity. Any reference in the Casino Control Act to the obligations and responsibilities of a casino licensee and persons dealing with, affiliated with, having an interest in or employed by a casino licensee shall be deemed to apply to a temporary casino permittee and those persons dealing with, affiliated with, having an interest in or employed by a temporary casino permittee, except that no casino key employee other than pit bosses, shift bosses, supervisors and cashiers, casino managers and assistant managers, managers and supervisors of casino security employees, junket representatives and purchasing agents shall be required to be licensed as a casino key employee.

C. 5:12-95.7 Expiration of a temporary casino permit.

26. (New section) Expiration of a Temporary Casino Permit. Unless otherwise terminated pursuant to this amendatory and supplementary act, a temporary casino permit shall expire at the conclusion of 6 months from the date of its issuance and be renewable, at the discretion of the commission, for one 3-month period. The commission may, within its discretion, deem the applicant's willful cessation or discontinuation of the regular casino business of a temporary casino permittee to be an expiration of said temporary casino permit.

C. 5:12-95.8 Continuation of investigation.

27. (New section) Continuation of Investigation. During the period of a temporary casino permit, the commission and the division shall continue such procedures as are provided by the Casino Control Act and the regulations promulgated thereunder as may be necessary for a final determination on the application for a casino license. The obligations and responsibilities incumbent upon an applicant for a casino license are in no way relieved by the issuance of a temporary casino permit.

C. 5:12-95.9 Effect of casino licensure.

28. (New section) Effect of Casino Licensure. If, upon final determination, the temporary casino permittee is granted a casino license, the temporary casino permit shall terminate and a casino license shall issue upon procedures determined by the commission.

C. 5:12-95.10 Effect of casino license denial.

29. (New section) Effect of Casino License Denial. If, upon final determination, the temporary casino permittee is denied a casino license, the appropriate procedures as contained in this amendatory and supplementary act shall be applicable.

C. 5:12-95.11 Investigation by the division of gaming enforcement.

30. (New section) Investigation by the Division of Gaming Enforcement. The division shall investigate and report to the commission with regard to the qualifications of each person whose name is submitted to the division by the commission as a candidate to serve as a trustee pursuant to this amendatory and supplementary act.

(New Article) Casino License Conservatorship

C. 5:12-130.1 Institution of conservatorship and appointment of conservators.

31. (New section) Institution of Conservatorship and Appointment of Conservators.

a. Notwithstanding any other provision of the Casino Control Act, (1) upon the revocation of a casino license, (2) upon, in the discretion of the commission, the suspension of a casino license or operation certificate for a period of in excess of 120 days, or (3) upon the failure or refusal to renew a casino license, and notwithstanding the pendency of any appeal therefrom, the commission shall appoint and constitute a conservator to, among other things, take over and into his possession and control all the property and business of the licensee relating to the casino and the approved hotel; provided, however, that this subsection shall not

apply in any instance in which the casino in the casino hotel facility for which the casino license had been issued has not been, in fact, in operation and open to the public, and provided further that no person shall be appointed as conservator unless the commission is satisfied that he is individually qualified according to the standard applicable to casino key employees, except that casino experience shall not be necessary for qualification.

b. Notwithstanding any other provision of the Casino Control Act, (1) upon, in the discretion of the commission, the expiration of a temporary casino permit, except in those instances where (a) a casino license has been issued, or (b) a casino license has not been issued because of the inaction of the commission, (2) upon the revocation of a temporary casino permit, (3) upon, in the discretion of the commission, the suspension of a temporary casino permit or operation certificate for a period of in excess of 60 days, or (4) upon the denial of a casino license to a temporary casino permittee, and notwithstanding the pendency of any appeal therefrom, the commission shall appoint and constitute a conservator to, among other things, take over and into his possession and control all the property and business of the temporary casino permittee relating to the casino and the approved hotel; provided, however, that this subsection shall not apply in any instance in which the casino in the casino hotel facility for which the temporary casino permit has been issued has not been, in fact, in operation and open to the public, and provided further that no person shall be appointed as conservator unless the commission is satisfied that he is individually qualified according to the standard applicable to casino key employees, except that casino experience shall not be necessary for qualification.

c. The commission may proceed in a conservatorship action in a summary manner or otherwise and shall have the power to appoint and remove one or more conservators and to enjoin the former or suspended licensee or permittee from exercising any of its privileges and franchises, from collecting or receiving any debts and from paying out, selling, assigning or transferring any of its property to other than a conservator, except as the commission may otherwise order. The commission shall have such further powers as shall be appropriate for the fulfillment of the purposes of this act.

d. Every conservator shall, before assuming his duties, execute and file a bond for the faithful performance of his duties payable to the commission in the office of the commission with such surety

or sureties and in such form as the commission shall approve and in such amount as the commission shall prescribe.

e. When more than one conservator is appointed pursuant to this section, the provisions of this article applicable to one conservator shall be applicable to all; the debts and property of the former or suspended licensee or permittee may be collected and received by any of them; and the powers and rights conferred upon them shall be exercised by a majority of them.

C. 5:12-130.2 Powers, authorities and duties of conservators.

32. (New section) Powers, Authorities and Duties of Conservators.

a. Upon his appointment, the conservator shall become vested with the title of all the property of the former or suspended licensee or permittee relating to the casino and the approved hotel, subject to any and all valid liens, claims, and encumbrances. The conservator shall have the duty to conserve and preserve the assets so acquired to the end that such assets shall continue to be operated on a sound and businesslike basis.

b. Subject to the general supervision of the commission and pursuant to any specific order it may deem appropriate, a conservator shall have power to:

(1) Take into his possession all the property of the former or suspended licensee or permittee relating to the casino and the approved hotel, including its books, records and papers;

(2) Institute and defend actions by or on behalf of the former or suspended licensee or permittee;

(3) Settle or compromise with any debtor or creditor of the former or suspended licensee or permittee, including any taxing authority;

(4) Continue the business of the former or suspended licensee or permittee and to that end enter into contracts, borrow money and pledge, mortgage or otherwise encumber the property of the former or suspended licensee or permittee as security for the repayment of the conservator's loans; provided, however, that such power shall be subject to any provisions and restrictions in any existing credit documents;

(5) Hire, fire and discipline employees;

(6) Review all outstanding agreements to which the former or suspended licensee or permittee is a party that fall within the purview of section 104b. of P. L. 1977, c. 110 (C. 5:12–104b.) and advise the commission as to which, if any, of such agreements

should be the subject of scrutiny, examination or investigation by the commission; and

(7) Do all further acts as shall best fulfill the purposes of the Casino Control Act.

c. Except during the pendency of a suspension or during the pendency of any appeal from any action or event set forth in section 31 a. or b. of this amendatory and supplementary act which precipitated the conservatorship or in instances in which the commission finds that the interests of justice so require, the conservator, subject to the prior approval of and in accordance with such terms and conditions as may be prescribed by the commission, and after appropriate prior consultation with the former licensee or permittee as to the reasonableness of such terms and conditions, shall endeavor to and be authorized to sell, assign, convey or otherwise dispose of in bulk, subject to any and all valid liens, claims, and encumbrances, all the property of a former licensee or permittee relating to the casino and the approved hotel only upon prior written notice to all creditors and other parties in interest and only to such persons who shall be eligible to apply for and shall qualify as a casino licensee or temporary casino permittee in accordance with the provisions of the Casino Control Act. Prior to any such sale, the former licensee or permittee shall be granted, upon request, a summary review by the commission of such proposed sale.

d. The commission may direct that the conservator, for an indefinite period of time, retain the property and continue the business of the former or suspended licensee or permittee relating to the casino and the approved hotel. During such period of time or any period of operation by the conservator, he shall pay when due, without in any way being personally liable, all secured obligations and shall not be immune from foreclosure or other legal proceedings to collect the secured debt, nor with respect thereto shall such conservator have any legal rights, claims, or defenses other than those which would have been available to the former or suspended licensee or permittee.

C. 5:12-130.3 Compensation of conservators and others.

33. (New section) Compensation of Conservators and Others. In any proceeding pursuant to section 31 of this amendatory and supplementary act, the commission shall allow a reasonable compensation for the services, costs and expenses in the conservatorship action of the conservator, the attorney for the conservator, the appraiser, the auctioneer, the accountant and such other persons

as the commission may appoint in connection with the conservatorship action.

C. 5:12-130.4 Assumption of outstanding debts.

34. (New section) Assumption of Outstanding Debts. As an incident of its prior approval pursuant to section 32c. of this amendatory and supplementary act of the sale, assignment, conveyance or other disposition in bulk of all property of the former licensee or permittee relating to the casino and the approved hotel, the commission may, in its discretion, require that the purchaser thereof assume in a form and substance acceptable to the commission all of the outstanding debts of the former licensee or permittee that arose from or were based upon the operation of either or both the casino or the approved hotel.

C. 5:12-130.5 Payment of net earnings during the period of the conservatorship.

35. (New section) Payment of Net Earnings During the Period of the Conservatorship. No payment of net earnings during the period of the conservatorship may be made by the conservator without the prior approval of the commission, which may, in its discretion, direct that all or any part of same be paid either to the suspended or former licensee or permittee or to the Casino Revenue Fund in accordance with regulations of the commission; provided, however, that the former or suspended licensee or permittee shall be entitled to a fair rate of return out of net earnings, if any, during the period of the conservatorship on the property retained by the conservator, taking into consideration that which amounts to a fair rate of return in the casino industry or the hotel industry, as the case may be.

C. 5:12-130.6 Payments following a bulk sale.

35A. (New section) Payments Following a Bulk Sale. Following any sale, assignment, conveyance or other disposition in bulk of all the property subject to the conservatorship, the net proceeds therefrom, if any, after payment of all obligations owing to the State of New Jersey and any political subdivision thereof and of those allowances set forth in section 33 of this amendatory and supplementary act, shall be paid by the conservator to the former or suspended licensee or permittee.

C. 5:12-130.7 Continuing jurisdiction of commission.

36. (New section) Continuing Jurisdiction of Commission. A conservator appointed pursuant to section 31 of this amendatory and supplementary act shall at all times be subject to the Casino Control Act and such regulations, limitations, restrictions, terms

and conditions as the commission may from time to time prescribe. Except as may be otherwise provided in this amendatory and supplementary act, during the period of any conservatorship imposed by the provisions of section 31 of this amendatory and supplementary act the casino operation in the form of the conservatorship shall be deemed to be a licensed casino operation and any reference in the Casino Control Act to any obligations or responsibilities incumbent upon a casino licensee or those persons dealing with, affiliated with, having an interest in, or employed by a casino licensee shall be deemed to apply to the said casino operation.

C. 5:12-130.8 Discontinuation of a conservatorship.

37. (New section) Discontinuation of a Conservatorship.

a. The commission shall direct the discontinuation of any conservatorship action instituted pursuant to section 31 of this amendatory and supplementary act when the conservator has, pursuant to subsection 32 of this amendatory and supplementary act and with the prior approval of the commission, consummated the sale, assignment, conveyance or other disposition in bulk of all the property of the former licensee or permittee relating to the casino and the approved hotel.

b. The commission may direct the discontinuation of any such conservatorship action when it determines that for any reason the cause for which the action was instituted no longer exists.

c. Upon the discontinuation of the conservatorship action and with the approval of the commission, the conservator shall take such steps as may be necessary in order to effect an orderly transfer of the property of the former or suspended licensee or permittee.

d. The sale, assignment, transfer, pledge or other disposition of the securities issued by a former or suspended licensee or permittee during the pendency of a conservatorship action instituted pursuant to this article shall neither divest, have the effect of divesting, nor otherwise affect the powers conferred upon a conservator by this amendatory and supplementary act.

C. 5:12-130.9 Required reports.

38. (New section) Required Reports. A conservator appointed and constituted pursuant to section 31 of this amendatory and supplementary act shall file with the commission such reports with regard to the administration of the conservatorship in such form and at such intervals as the commission shall prescribe. Such reports shall be available for examination and inspection by any creditor or party in interest and, in addition, the commission may

direct that copies of any such reports be mailed to such creditors or other parties in interest as it may designate and that summaries of any such reports be published in such newspapers of general circulation as it may designate.

C. 5:12-130.10 Review of actions of conservator.

39. (New section) Review of Actions of Conservator. Any creditor or party in interest aggrieved by any alleged breach of a fiduciary obligation of a conservator in the discharge of his duties shall be entitled, upon request, to a review thereof in accordance with regulations to be promulgated by the commission.

C. 5:12-130.11 Investigation by the division of gaming enforcement.

40. (New section) Investigation by the Division of Gaming Enforcement. The division shall investigate and report to the commission with regard to the qualifications of each person who is proposed as a candidate to serve as a conservator pursuant to this amendatory and supplementary act.

41. The provisions of this act shall take effect immediately, except that sections 10, 17, 18, and 19 shall take effect on October 1, 1978.

Approved March 17, 1978.

CHAPTER 8

AN ACT to validate certain proceedings for the issuance of bonds of school districts and any bonds or other obligations issued or to be issued in pursuance of such proceedings.

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

Validating act.

1. All proceedings heretofore had or taken by any school district or at any school district election for the authorization or issuance of bonds of the school district, and any bonds or other obligations of the school district issued or to be issued in pursuance of a proposal adopted by the legal voters at such election, are hereby ratified, validated and confirmed, notwithstanding that the school debt statement required by N. J. S. 18A:24–16 of Title 18A, Education, was not prepared, sworn to and filed as required by said

N. J. S. 18A:24–16 and 18A:24–17 of Title 18A, Education; provided, however, that a school debt statement has heretofore been prepared, sworn to and filed in the places required by said N. J. S. 18A:24–17, and provided further, that no action suit or other proceeding of any nature to contest the validity of such proceedings has heretofore been instituted prior to the date on which this act takes effect and within the time fixed therefor by or pursuant to law or rule of court, or when such time has not heretofore expired, is instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved March 22, 1978.

CHAPTER 9

AN ACT to validate certain elections of fire districts, any appropriations approved thereat, and any bonds or other obligations issued or to be issued in pursuance of proceedings taken at said elections.

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

Validating act.

1. All proceedings heretofore had or taken by any board of fire commissioners or at any fire district meeting or election for the election of commissioners, approval of appropriations and for the authorization or issuance of bonds or other obligations of the fire district, and any bonds or other obligations of the fire district issued or to be issued in pursuance of a proposal adopted by the legal voters at such meeting or election, are hereby ratified, validated and confirmed, notwithstanding that notice of the date, time and place of election, and of the closing date for the filing with the clerk of the board of petitions of nomination for membership on the board was not published at least once in a newspaper circulating in the district at least 6 weeks prior to the date fixed for the election, as required by N. J. S. 40A:14–72, as amended by section 2 of chapter 235 of the laws of 1973; provided, that petitions of nomination were filed with the clerk of the board at least 10 days prior to such election and that notice of the date, time and place of the election, and of the closing date for the filing with the clerk of the board of petitions of nomination for membership on

the board was published at least once in a newspaper circulating in the district at least 3 weeks prior to the date fixed for the election, and a subsequent notice was published at least 1 week prior to the date fixed for the election; and provided further, that no action, suit or other proceedings of any nature to contest the validity of such proceedings has heretofore been instituted prior to the date on which this act takes effect and within the time fixed therefor by or pursuant to law or rule of court, or when such time has not heretofore expired, no such action is instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved March 22, 1978.

CHAPTER 10

AN ACT to validate certain proceedings for the issuance of school bonds by school districts or municipalities and any bonds or other obligations issued or to be issued pursuant to such proceedings.

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

Validating act.

1. All proceedings heretofore had or taken by any school district or municipality or at any school district election for the authorization or issuance of bonds of the school district or municipality, and any bonds or other obligations of the school district or municipality issued or to be issued in pursuance of a proposal adopted by the legal voters at such election, or a bond ordinance adopted by the governing body, are hereby ratified, validated and confirmed, notwithstanding that the supplemental debt statement or school debt statement required by N. J. S. 18A:24–16 was not prepared and filed as required by N. J. S. 18A:24–17 or that the correct number of polling places required by N. J. S. 18A:14–5 was not established, or the correct form of civilian absentee ballot as required by R. S. 19:57–7 was not published; provided, however, that a supplemental debt statement and a school debt statement shall have been made, sworn to and filed in the places required by N. J. S. 18A:24–17 within 20 days after the effective date of this act; and provided further that no action, suit or other proceed-

ings of any nature to contest the validity of such proceedings has heretofore been instituted prior to the date on which this act takes effect and within the time fixed therefor by or pursuant to law or rule of court, or when such time has not heretofore expired, is instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved March 23, 1978.

CHAPTER 11

AN ACT to amend the "Municipal Governing Body Vacancy Law," approved September 29, 1975 (P. L. 1975, c. 213).

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

1. Section 2 of P. L. 1975, c. 213 (C. 40:45B–2) is amended to read as follows:

C. 40:45B-2 Procedure to fill vacancies.

2. Whenever a vacancy occurs in the membership of the governing body of any municipality for any reason other than the expiration of term of office, the vacancy shall be filled in the following manner:

a. If the vacancy occurs any time after the sixtieth day preceding the general election, in the case of an office required to be filled at a general election, or, in the case of an office required to be filled at a regular municipal election, any time after the sixtieth day preceding the regular municipal election, occurring in the next-to-the-last year and up to the expiration of the term of the member whose office has become vacant, the office shall be filled for its unexpired term by appointment by a majority vote of the whole membership of the governing body.

b. If the vacancy occurs at any other time, the vacancy shall be filled as follows:

(1) In the case of an office required to be filled at a regular municipal election, the vacancy shall be filled for the unexpired term at the next regular municipal or general election, whichever occurs first, to be held not less than 60 days subsequent to the occurrence of such vacancy; and,

(2) In the case of an office required to be filled at a general election, the vacancy shall be filled for the unexpired term at the next general election to be held not less than 60 days subsequent to the occurrence of such vacancy.

The governing body by a vote of the majority of its whole membership may fill the vacancy temporarily by appointment until the election and qualification of a successor.

c. Whenever a vacancy to be filled for the unexpired term by the governing body is not filled within 30 days of the occurrence of the vacancy, the municipal clerk shall forthwith call a special election to be held as soon as practicable to fill the vacancy. No appointment shall be made by the governing body to fill the vacancy after a special election has been called. If the vacancy occurs within 6 months prior to the end of the term of office, the provisions of this subsection shall not apply and the governing body shall continue to have the power to fill the vacancy.

d. Whenever the offices of all or a majority of the members shall become vacant for any reason, the fact of the vacancies shall be immediately certified to the Governor by any remaining member of the governing body or by the municipal clerk. The Governor upon receipt of such certifications shall forthwith fill the vacancies temporarily by appointment until their successors are elected for the unexpired terms at the next general election or next regularly scheduled municipal election occurring not less than 60 days subsequent to the appointment.

2. This act shall take effect immediately.

Approved March 23, 1978.

CHAPTER 12

AN ACT reconstituting the Commission on Individual Liberty and personal Privacy created by "An act creating a commission to study the matter of personal privacy," approved September 19, 1977 (P. L. 1977, c. 226), and making an appropriation.

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

1. The Commission on Individual Liberty and Personal Privacy created by P. L. 1977, c. 226 is reconstituted with the same powers

and duties and with the same citizen and ex-officio members and such of the legislative members who are members of the House from which appointed. Any vacancy in the membership of the commission shall be filled in the same manner as the original appointments were made.

2. The commission shall report its findings and recommendations to the Governor and the Legislature on or before January 15, 1979 together with any legislative bills it may desire to recommend for adoption by the Legislature.

3. There is hereby appropriated $25,000.00 for the purposes of this act.

4. This act shall take effect immediately and shall expire at noon on June 30, 1979.

Approved March 30, 1978.

CHAPTER 13

AN ACT to amend the "Depressed Rural Centers Aid Act," approved October 12, 1977 (P. L. 1977, c. 260).

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

1. Section 3 of P. L. 1977, c. 260 (C. 52:27D–164) is amended to read as follows:

C. 52:27D-164 Definitions.

3. For the purposes of this act, unless the context clearly indicates otherwise:

"Director" means the Director of the Division of Local Government Services in the Department of Community Affairs.

"State average effective local tax rate" means the total tax levy on which the tax rate is computed divided by the net valuation on which county taxes are apportioned as shown in column 12D and column 11 respectively of the county abstract of ratables for the year 1976.

"Effective tax rate for a municipality" means the general tax rate to apply per $100.00 valuation multiplied by the average ratio of assessed to true value of real property as shown in column 7

and column 8 respectively of the county abstract of ratables for the year 1976.

"Equalized valuation" means equalized valuation as determined pursuant to P. L. 1954, c. 86 (C. 54:1–35.1 et seq.) and promulgated on or before October 1 of the year preceding the year in which distribution of aid under this act is to be made pursuant to section 6 of this act, including any revision or correction thereof made not later than January 30 of the year in which such distribution is made.

"Ratables per capita" means for a municipality, its equalized valuation divided by its population; for a county, the sum of ..... the equalized valuations of the municipalities therein divided by the population of the county.

"Population" means population according to the official population estimates issued by the Department of Labor and Industry next preceding October 1 of the year in which distribution of aid under this act is to be calculated pursuant to section 6 of this act.

"Population density" means the relation between the population and area of a municipality or group of municipalities, expressed in terms of inhabitants per square mile within such municipality or group of municipalities.

"Neighboring municipalities" means, with relation to any one municipality, all other municipalities of this State having boundaries contiguous at any point with its boundaries, whether running upon land or water.

"Adjusted population" means the product of the number of persons in the population multiplied by the quotient obtained by dividing the effective tax rate for a municipality by the State average effective local tax rate, to which product is added the number of persons within that population aged 65 and over living in households with household incomes under $5,000.00.

2. Section 4 of P. L. 1977, c. 260 (C. 52:27D–165) is amended to read as follows:

C. 52:27D-165 Annual distribution.

4. Such sums as are appropriated for distribution under this act shall be distributed annually, in the manner prescribed in sections 5 and 6 of this act, as State aid to each municipality which:

a. Has a population not exceeding 5,000;

b. Has a population density which is:

(1) Not less than 1,000 per square mile; and

(2) Not less than four times the population density of its neighboring municipalities, unless within such neighboring municipality is a national cemetery, or housing built in accordance with or pursuant to Section 607 of the Lanham Act (National Defense Housing) P. L. 849, 76th Congress, 54 Stat. 1125, 42 U. S. C. 1521 et seq., as amended;

c. Has ratables per capita not exceeding ⅘ the ratables per capita of the county in which it is situate; and

d. Has either (1) an effective tax rate for a municipality above the State average effective local tax rate, or (2) a per capita personal income that does not exceed 0.8 times the State per capita personal income.

3. This act shall take effect immediately.

Approved March 30, 1978.

CHAPTER 14

AN ACT to provide State aid to certain municipalities for the purposes of enabling such municipalities to maintain and upgrade municipal services and to offset local property taxes.

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

C. 52:27D-178 Definitions.

1. For the purposes of this act, unless the context clearly indicates otherwise:

"Base year" means the second year preceding the annual apportionment of State aid pursuant to this act.

"Director" means the Director of the Division of Local Government Services in the Department of Community Affairs.

"Net valuation taxable" means the total value of property on which the general tax rate is computed as expressed in column 6 of the Table of Aggregates pursuant to R. S. 54:4–52 for the base year.

"Equalization ratio" means the ratio of assessed value to true value of real property as published in the Certification of Table of Equalized Valuations by the Director of the Division of Taxation for the base year pursuant to P. L. 1954, c. 86, s. 1 (54:1–35.1).

"Equalized valuation" means net valuation taxable divided by the equalization ratio.

"Municipal equalized valuation per capita" means a municipality's equalized valuation divided by the population of the municipality.

"State equalized valuation per capita" means the sum of the equalized valuations of all the municipalities of the state divided by the population of the State.

"General tax rate" means the tax rate for local taxing purposes as defined in R. S. 54:4–52 and as expressed in column 7 of the Table of Aggregates for the base year.

"Equalized tax rate" means the general tax rate multiplied by the equalization ratio.

"State equalized tax rate" means the sum of the total levies on which the tax rates for all the municipalities of the State are computed divided by the sum of the equalized valuations of all the municipalities of the State for the base year.

"Population" means the official population count of the State of New Jersey for the base year as reported by the New Jersey Department of Labor and Industry, Office of Business Economics.

"Ratio H" means the proportion that residential and apartment assessed valuation bear to the total assessed valuation of the real property of a municipality, as calculated by the Division of Taxation in the Treasury Department.

"Publicly financed housing" means any dwelling unit constructed and operated under any of the following Federal and State housing programs:

(a) Any dwelling unit constructed under grants or mortgage financing of the New Jersey Housing Finance Agency.

(b) Any dwelling unit constructed under the following sections of the National Housing Act (Public Law 73-479) as amended and supplemented: section 221(d)(3) as added to by the Housing Act of 1961 (P. L. 87-70) and as subsequently amended; section 236 as added to by the Housing and Urban Development Act of 1968 (P. L. 90-448) and as subsequently amended; section 202, Housing Act of 1959 (P. L. 86-372) and as subsequently amended; section 221-H, as added by the Demonstration Cities and Metropolitan Development Act of 1966 (P. L. 89-754) and as subsequently amended.

(c) Any dwelling unit constructed or operated under the United States Housing Act of 1937 (Public Law 75-412) and as subsequently added to and amended.

"ADC children" means the number of children between the ages of 5 and 17 years in the municipality enrolled in the Aid to Dependent Children Program, as made available by the Division of Public Welfare in the Department of Human Services for the base year in the publication "State of New Jersey, ADC Data Needed to Implement Public Law 89-10, the Elementary and Secondary Education Act of 1965," provided however that the director shall use the best available data comparable to the data provided for the allocation of funds in 1975 pursuant to P. L. 1975, c. 68.

"Qualifying municipality" means a municipality in which:

Population exceeds 15,000 or exceeds 10,000 per square mile, and

The number of ADC children exceeds 350, and

There exists publicly financed housing, and

The municipality's equalized tax rate exceeds the State equalized tax rate, and

The municipality's equalized valuation per capita is less than the State equalized valuation per capita.

"Distribution factor" means for each qualifying municipality the following:

$$DF = 0.6 \left(\frac{W}{\leqslant W} \right) + 0.4 \left(\frac{T}{\leqslant T} \right)$$

where, DF equals the Distribution Factor

W equals ADC children in the municipality

T equals $P\ (V_s - V_m)\ (R_m - R_s)\ Z$

P equals Population

V_s equals State Equalized Valuation Per Capita

V_m equals Municipal Equalized Valuation Per Capita

R_m equals Municipal Equalized Tax Rate

R_s equals State Equalized Tax Rate

Z equals Ratio H

C. 52:27D-179 Annual appropriation of moneys; apportionment among municipalities; limitations.

2. There shall be annually appropriated a sum which shall be apportioned among municipalities which qualify for State aid under the provisions of this act for the purpose of enabling such

municipalities to maintain and upgrade municipal services and to offset local property taxes. In addition to any amount so apportioned there shall be added to the amount to be paid and distributed to any qualifying municipality which is entitled to State aid pursuant to this act such amount as may be necessary so that the amount to which such municipality is entitled to receive in any year shall not be less than the amount which such municipality received in the preceding year pursuant to this act or, in the first year of this act's operations. P. L. 1976, c. 12, provided, however, that from the moneys appropriated to fund this act, payments shall first be apportioned so that each municipality which received payments in 1977 pursuant to P. L. 1977, c. 38, receives the same amount which it received in 1977 pursuant to P. L. 1977, c. 38, even if after such payments are made insufficient funds remain for increased distributions to municipalities which already are qualifying municipalities or for new distributions to municipalities which become qualifying municipalities; and further provided that each municipality in the first year it qualifies for said State aid payments shall receive payments pursuant to this act before any municipalities which had received such State aid in the preceding year pursuant to this act or P. L. 1977, c. 38 shall receive any payments in excess of the payments received in the preceding year. Any provision herein to the contrary notwithstanding, a municipality which has received State aid pursuant to P. L. 1971, c. 64 as supplemented but which is no longer a qualifying municipality pursuant to this act shall receive, in any year in which it has qualified bonds outstanding pursuant to P. L. 1976, c. 38 (C. 40A:3–1 et seq.) and which were issued prior to the effective date of this act, the amount which it received in 1977 pursuant to P. L. 1977, c. 38.

C. 52:27D-180 Certification of allocable State aid; distribution.

3. The director shall, forthwith upon the appropriation of such sums for State aid pursuant to this act, determine and certify to the State Treasurer and to the chief financial officer of each qualifying municipality the amount of State aid allocable to such municipality pursuant to this act, which aid shall be in addition to all other aid to municipalities. The State Treasurer, upon the certification of the director and upon the warrant of the State Comptroller, shall pay and distribute to each qualifying municipality on October 1 of each year, or as soon thereafter as practicable, the amount determined and certified, or for municipalities which have qualified bonds outstanding pursuant to P. L. 1976, c. 38 (C. 40A:3–1 et seq.), the Treasurer shall disburse State aid funds determined

and certified under this act in accordance with the provisions of P. L. 1976, c. 38.

C. 52:27D-181 Determination of director; appeal or review.

4. Any determination of the director pursuant to this act as to the amount of State aid allowable to each qualifying municipality shall be final and conclusive, and no appeal shall be taken therefrom or any review thereof, except in the case of an arithmetical or typographical error in the calculation of any distribution of funds. Notwithstanding any provisions of the Local Budget Law (N. J. S. 40A:4–1 et seq.), any municipality qualifying for State aid under this act may anticipate the receipt of the amount of State aid included for the purposes of this act in the Governor's annual budget message.

5. This act shall take effect immediately.

Approved March 30, 1978.

CHAPTER 15

AN ACT concerning elections, amending sections 19:5–4, 19:6–18, 19:23–1, 19:23–56 and 19:24–1, and supplementing Title 19, of the Revised Statutes.

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

1. R. S. 19:5–4 is amended to read as follows:

Membership and organization of State committees; methods of determining number of males and females; vacancies; national committee members.

19:5–4. The members of the State committee of each of the political parties shall be elected at the primary for the general election of the year in which a Governor is to be elected.

The number of males and females comprising the State committee of each of the political parties from each county may be determined by the bylaws of each such political party, but in any event in accordance with one of the following methods:

a. One male and one female member of the State committee to be elected in each county, each having one vote; or

b. Not less than 79 nor more than 82 elected members, to be apportioned among the several counties in accordance with popula-

tion as determined at the most recent Federal decennial census; provided that each county shall have at least one vote, and provided further that the members of the State committee from each county shall be divided equally between males and females. In those counties with an odd number of State committee members, one seat shall be shared by one male and one female who shall each have one-half vote in all matters of the State committee; or

c. One male and one female member of the State committee to be elected in each county, each member having a vote weighted in strength on the basis of population as determined at the most recent Federal decennial census.

The members of the State committee of each of the political parties shall take office on the first Tuesday following their election, on which day the terms of all members of such committees theretofore elected shall terminate. The annual meeting of the State committee shall be held on the first Tuesday after such primary election at the hour and place to be designated in a notice in writing to be mailed by the chairman of the outgoing State committee to each member-elect, at which annual meeting the members of the committee in the year in which a Governor is to be elected, shall elect some suitable person as chairman to hold office for 4 years, or until his successor is elected. The committee shall have power to adopt a constitution and bylaws for its proper government. The chairman shall preside at all meetings of the committee and shall perform all duties required of him by law and the constitution and bylaws of such committee.

A member of a State committee of any political party may resign his office to the committee of which he is a member, and upon acceptance thereof by the committee, a vacancy shall exist. A vacancy in the office of a member of the State committee of any political party, howsoever caused, shall be filled for the unexpired term by the members of the county committee of such political party in the county in which the vacancy occurs.

Members of the State committee shall serve for 4 years or until their successors are elected. The State committee shall choose its chairman and the member or members of the national committee of its political party.

2. R. S. 19:6–18 is amended to read as follows:

County election boards; nomination; appointment; term.

19:6–18. During the 30-day period immediately preceding February 15 in each year, the chairman and vice-chairlady of each county committee and the State committeeman and State commit-

teewoman of each of such two political parties, respectively shall meet and jointly, in writing, nominate one person residing in the county of such county committee chairman, duly qualified, for member of the county board in and for such county.

If more than two members are elected to the State committee of any party from a county, the State committeeman and State committeewoman who shall participate in the process of nomination shall be those holding full votes who received the greatest number of votes in their respective elections for members of the State committee.

If nomination be so made, the said county committee chairman shall certify the nomination so made to the State chairman and to the Governor, and the Governor shall commission such appointees, who shall be members of opposite parties, on or before March 1. If nomination be not so made on account of a tie vote in the said meeting of the county committee chairman, county committee vice-chairlady, State committeeman and State committeewoman, in respect to such nomination, the said county committee chairman shall certify the fact of such a tie vote to the State chairman, who shall have the deciding vote and who shall certify, in writing, to the Governor, the nomination made by his deciding vote. Appointees to county boards of election pursuant to this section shall continue in office for 2 years from March 1 next after their appointment.

The first appointment having been made pursuant to law for terms of 1 and 2 years, respectively, the members subsequently appointed each year shall fill the offices of the appointees whose terms expire in that year.

3. R. S. 19:23–1 is amended to read as follows:

State committee to county committees; county committees to municipal clerks.

19:23–1. The chairman of the State committee of a political party shall, on or before March 1 in the year when a Governor is to be elected, notify in writing the chairman of each county committee of such party of the number of male or female members or members with less than one full vote to be elected from the county at the ensuing primary election for the general election, and each such chairman shall, on or before April 1 of such year, send a copy of such notice to the county clerk.

The chairman of each county committee shall also, on or before April 1, in each year file with the clerks of the several municipalities the number of committeemen to be elected at the ensuing primary for the general election to the county committee.

4. R. S. 19:23–56 is amended to read as follows:

Certificates of election of members of State committee.

19:23–56. The county clerk shall issue a certificate to the male or males receiving the highest number of votes among the male candidates for the number of positions to be filled by male members of the State committee and to the female or females receiving the highest number of votes among the female candidates for the number of positions to be filled by female members of the State committee of any political party at the primary as shown by the returns in the county clerk's office. A divided position shall be filled by the one male and the one female candidate receiving the highest number of votes among the male and female candidates for such position. The county clerk shall issue a certificate of election to said male and said female candidates.

5. R. S. 19:24–1 is amended to read as follows:

State committee to Secretary of State.

19:24–1. In every year in which primary elections are to be held as herein provided for the election of delegates and alternates to the national conventions of political parties, including any national mid-term convention or conference of a political party, which primary elections are to be held on the first Tuesday in June as hereinbefore provided, the chairman of the State committee of each political party shall notify the Secretary of State, on or before March 1 of that year, of the number of delegates-at-large and the number of alternates-at-large to be elected to the next national convention of such party by the voters of the party throughout the State, and also of the number of delegates and alternates to be chosen to such convention in the respective congressional districts or other territorial subdivisions of the State as mentioned in such notification.

If the State chairmen, or either of them, shall fail to file notice, the Secretary of State shall ascertain such facts from the call for its national convention issued by the National or State committee.

C. 19:5-4.1 Adoption of bylaws by State committee; certification to Secretary of State; election of additional members; notification to county committee and county clerk; terms of members and officers.

6. (New section) a. The State committee of any political party may adopt bylaws prescribing the apportionment of members of said committee different from the method under which the members currently serving were elected, in accordance with section 1 of this amendatory and supplementary act. Such bylaws shall be adopted by a majority of the members of the respective State committee

present and voting at a duly convened meeting of said State committee at which a quorum of at least 40% plus one is present. The chairman of such State committee shall certify the adoption of its bylaws to the Secretary of State within 10 days of their adoption.

b. In the event that a State committee of any political party shall adopt bylaws providing for an apportionment of members different from the apportionment under which the current members were elected and requiring the election of additional members before the next primary election at which candidates for Governor are to be nominated, the additional members of such State committee shall be elected at the primary election following the adoption of said bylaws.

c. The chairman of such State committee shall, no later than 45 days before the date of the primary election, notify in writing the chairman of each county committee of such party of the number of additional male and female members and members with less than one full vote to be elected from the county at such election. At the same time the chairman of the State committee shall make similar notification to the county clerk of each county.

d. The members and officers of the State committee adopting such bylaws shall serve out the terms to which they had been elected and shall be the only members who shall participate in the process of nomination of members of county boards of election provided for in this act until the termination of their terms.

C. 19:5-4.2 Filling of additional memberships when notice can not be given.

7. (New section) In the event that notice of the additional members of the State committee to be elected from the county can not be given within the time prescribed in subsection c. of section 6 of this act, the additional memberships on such State committee shall be filled in the same manner as vacancies are filled under R. S. 19:5–4 by the county committee of each county to which additional members have been apportioned.

8. This act shall take effect immediately.

Approved March 30, 1978.

CHAPTER 16

AN ACT concerning the taxation of real property withdrawn from railroad use in municipalities of this State, amending section 21 of P. L. 1966, c. 139 and R. S. 54:4–48, and supplementing Title 54 of the Revised Statutes.

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

1. Section 21 of P. L. 1966, c. 139 (C. 54:29A–24.3) is amended to read as follows:

C. 54:29A-24.3 State aid.

21. State aid shall be appropriated and paid annually to each municipality in which railroad property is located in an amount equal to base tax revenue, subject to the following adjustments, except that no State aid shall be appropriated or paid to any municipality where the base tax revenue, as adjusted, is less than $1,000.00:

(a) If additional Class II property, as defined in this act, in a municipality is placed in railroad use after the base year, the base tax revenue shall be increased by an amount equal to the product of the assessed value of such additional property as of the base year times the base tax rate.

(b) If any real property in a municipality is withdrawn from railroad use after the base year, the base tax revenue shall be reduced by an amount equal to the product of the assessed value of such property in the base year times the base tax rate;

(1) Provided, however, that with respect to real property withdrawn from railroad use during 1976:

(A) Such reduction shall not become effective for the year 1977, and

(B) That if a municipality files with the State Treasurer and a copy thereof with the appropriate county board of taxation within 15 days after the effective date of this act a written request for a continuance of State aid payments for such property (or a part thereof) for the year 1978:

(i) Such reduction (and in the case of a request for extended State aid payments for only a portion of the property, such proportionate reduction) shall not become effective until the year 1979, or until such property is sold

or conveyed for other than railroad use, whichever comes sooner;

(ii) The municipality shall be obligated to pay to the State Treasurer within 60 days of the receipt thereof any and all payments made by or on behalf of the taxpayer, a trustee of the taxpayer, or any other representative of the taxpayer, for taxes which the municipality assessed on such real property for the tax year 1978 for which extended State aid payments have been requested;

(iii) The State shall be entitled, but not required, to negotiate, litigate, or settle the municipality's real property tax claim described in subsections 2 (b) (1) (B) (ii) of this section, with whatever assistance the State requires from the municipality in such negotiation, litigation, or settlement; and

(iv) In the event the State collects a greater amount of money under subsections (b) (1) (B) (ii) or 2 (b) (1) (B) (iii) of this section than it paid to a municipality in extended State aid payments for the tax year 1978, the State Treasurer shall within 60 days return the excess payment to the municipality.

(2) Provided further, however, that with respect to real property withdrawn from railroad use during 1977 and thereafter, that if a municipality files with the State Treasurer and a copy thereof with the appropriate county board of taxation, a written request for a 2 year continuance of State aid payments for such real property (or a part thereof) on or before February 1 of the year following the initial notification by the Director of the Division of Taxation that such property has been withdrawn from railroad use or within 15 days after the effective date of this act, whichever comes later:

(A) Such reduction (and in the case of a request for extended State aid payments for only a portion of the property, such proportionate reduction) shall not become effective for 2 tax years following the year of initial notification to the municipality by the Director of the Division of Taxation that such real property is withdrawn from railroad use, or until such property is sold or conveyed for other than railroad use, whichever comes sooner;

(B) The municipality shall be obligated to pay to the State Treasurer within 60 days of the filing of the written request for extended State aid payments, or within 60 days of the receipt thereof, any and all payments made by or on behalf of

the taxpayer, a trustee of the taxpayer, or any other representative of the taxpayer, for taxes which the municipality assessed on such real property for the tax years for which extended State aid payments were made;

(C) The State shall be entitled, but not required, to negotiate, litigate, or settle the municipality's real property tax claim described in subsection (b) (2) (B) of this section, with whatever assistance the State requires from the municipality in such negotiation, litigation, or settlement; and

(D) In the event the State collects a greater amount of money under subsection (b) (2) (B) or (b) (2) (C) of this proviso than it paid to a municipality in extended State aid payment for a given tax year, the State Treasurer shall within 60 days return the excess payment to the municipality.

(c) For the year 1967 the amount of State aid payable to each municipality shall be increased by an amount equal to the difference between the railroad tax revenue derived by such municipality for the year 1965 and the base tax revenue for such municipality. For each year thereafter, such increase shall be reduced by 10% until such time as the aforesaid difference is eliminated; provided, however, if any real property in a municipality is placed in or withdrawn from railroad use after 1967, the annual increase provided in this subsection (c) shall be adjusted to reflect any such additions or withdrawals.

(d) The authorities of any taxing district desiring to contest the validity or amount of the assessment on any such additions or withdrawals may appeal to the Division of Tax Appeals in the manner provided in sections 31 and 32 of the act of which this act is amendatory and supplementary.

2. R. S. 54:4–48 is amended to read as follows:

Changes entered; amount of total tax fixed.

54:4–48. The county board of taxation shall enter all changes or additions on the various tax lists and duplicates, and, upon ascertaining the total amount of tax to be raised, fix and adjust the amount of State school, State and county tax to be levied in each taxing district in the county in proportion to the respective values hereof, and the amount to be levied in each taxing district for local purposes as certified to it. The county board of taxation shall also apportion the amount to be levied in each taxing district for purposes of consolidated and regional school districts and school districts comprising two or more taxing districts. It shall cause

each assessor to enter in appropriate columns upon the tax lists and duplicates for his respective taxing district the net corrected value assessed to each person for both real and personal property, and to enter the addition of the items of each column at the foot thereof, on every page, the rates per dollar, which shall be such as according to the valuation on the duplicate will be sufficient to produce the sum required, and to extend on the duplicates,

(a) The amount of tax computed on each assessment at that rate, and

(b) The amount of tax to be paid on each such assessment which shall be computed by deducting from the amount of tax computed under subsection (a) of this section any deduction from the tax allowed according to law.

Notwithstanding the provisions of any law to the contrary, any real property for which State aid payments shall be made to a municipality pursuant to section 21 of P. L. 1966, c. 139 (C. 54:29A–24.3), shall be included in the total ratables of the taxing district wherein such real property is located but shall not be included for the purpose of determining the net valuation upon which the tax rate of the municipality is computed.

3. (New section) Notwithstanding the provisions of any law to the contrary, any real property for which extended State aid payments shall be paid pursuant to section 21 of P. L. 1966, c. 139 (C. 54:29A–24.3) shall not be included in the total local real property ratables of the taxing district wherein such real property is located for the purpose of apportioning the amount to be raised for county, free county library purposes, and for county health purposes, and for purposes of regional and consolidated school districts compromising two or more districts.

4. This act shall take effect immediately and section 1 shall be retroactive to January 1, 1977 and sections 2 and 3 shall be retroactive to January 1, 1978.

Approved March 30, 1978.

CHAPTER 17

AN ACT relating to housing, granting financial assistance to provide financial feasibility and stability for existing housing projects for senior citizens and families of low and moderate income, and making an appropriation therefor.

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

1. (a) The Commissioner of the Department of Community Affairs is authorized to utilize $3,200,000.00 from the Mortgage Assistance Fund for the purpose of providing financial feasibility and stability to a housing project financed by the New Jersey Housing Finance Agency known as John J. Grogan Marineview Plaza in Hoboken, New Jersey. Without limiting the generality of the foregoing authorization, such funds may be utilized to (1) reimburse the agency to the extent that the value of the existing mortgage held by the agency on such housing project is written down on the books of the agency, (2) pay to the agency for use by the agency as a reserve for the payment of the principal of and interest on any bonds of the agency issued in whole or in part to permanently finance such project.

(b) No part of the sum herein authorized shall be paid to or for the benefit of the present owner of such project, and no such write down or provision of reserves authorized herein shall affect the liability of the present owner of the project to the agency with respect to the existing mortgage loan for the project; provided, however, nothing herein shall prohibit the agency from agreeing to defer or reduce the periodic payments on such existing mortgage loan.

(c) In the event that the existing mortgage to the agency on the project is foreclosed and the agency realizes, either from the sale of the project to a party other than the agency at the foreclosure sale or, if the agency is the purchaser at the foreclosure sale, through a subsequent sale of the project by the agency, an amount in excess of the amount of the agency's bonds sold to permanently finance the project including any underwriting discount applicable thereto, the agency shall promptly pay the amount of the excess so realized, up to the amount received by the agency pursuant to this section, into the Mortgage Assistance Fund. For the purposes

of the preceding provision, the agency will be deemed to have realized upon a sale of the project the amount of any purchase money mortgage accepted by the agency upon such sale.

2. The commissioner is authorized to utilize $4,800,000.00 from the Mortgage Assistance Fund to provide financial feasibility and stability to existing housing projects financed by the agency by loaning such sum directly to one or more qualified mortgagors, as defined in the New Jersey Mortgage Assistance Bond Act of 1976, P. L. 1976, c. 94, of projects heretofore financed by the agency any such loan may be subordinated to any existing mortgage loan held by the agency on any such project with repayment of principal and interest deferred until the existing mortgage loan to the agency is paid or otherwise discharged. In the event the agency has already advanced the amount of any such subordinated or deferred payment loan on behalf of the commissioner, the commissioner is authorized to utilize all or any part of such $4,800,000.00 to reimburse the agency for the amount theretofore advanced by it on any such loan. Upon receipt by the commissioner of any repayment in whole or in part of any loan authorized by this section, the commissioner shall cause such sum to be deposited in the Mortgage Assistance Fund.

3. Not less than 30 days prior to the commissioner's entering into any contract, lease, obligation, or agreement to effectuate the purposes of this act the commissioner shall report to and consult with the special joint legislative committee created pursuant to Assembly Concurrent Resolution No. 66 of 1968 as reconstituted and continued from time to time by the Legislature.

4. There is hereby appropriated from the Mortgage Assistance Fund to the Department of Community Affairs the sum of $8,000,000.00 in accordance with the provisions of this act. Said appropriations shall be derived from the sale of State Mortgage Assistance Bonds issued pursuant to P. L. 1976, c. 94.

5. The State Treasurer is hereby authorized, empowered, and directed and it shall be his duty to set up and maintain the aforementioned appropriations in the Mortgage Assistance Fund. The funds herein appropriated may be requisitioned by the Department of Community Affairs for the uses and purposes specified herein, subject to the same restrictions and control as are exercised over all other appropriated State funds.

6. This act shall take effect immediately.

Approved March 30, 1978.

CHAPTER 18

AN ACT concerning unemployment compensation and amending R. S. 43:21–3.

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

1. R. S. 43:21–3 is amended to read as follows:

Benefits.

43:21–3. (a) Payment of benefits. All benefits shall be promptly paid from the fund through local employment offices in accordance with such regulations as may be prescribed hereunder.

(b) Weekly benefits for unemployment.

With respect to an individual's benefit year commencing on or after July 1, 1961, such individual, if eligible and unemployed (as defined in subsection (m) of R. S. 43:21–19), shall be paid an amount (except as to final payment) equal to his weekly benefit rate less any remuneration paid or payable to him for such week in excess of 20% of his weekly benefit rate (fractional part of a dollar omitted) or $5.00, whichever is the greater; provided that such amount shall be computed to the next higher multiple of $1.00 if not already a multiple thereof.

(c) Weekly benefit rate.

With respect to an individual whose benefit year commences in any calendar year after December 31, 1967, his weekly benefit rate under each determination shall be two-thirds of his average weekly wage, subject to a maximum of 50% of the Statewide average weekly remuneration paid to workers by employers subject to this chapter (R. S. 43:21–1 et seq.), as determined and promulgated by the Commissioner of Labor and Industry, and to a minimum of $10.00; provided, however, that such individual's weekly benefit rate shall be computed to the next higher multiple of $1.00 if not already a multiple thereof. For the purposes of this paragraph, the "Statewide average weekly remuneration paid to workers by employers" shall be computed and determined by the Commissioner of Labor and Industry on or before September 1 of each year on the basis of one-fifty-second of the total remuneration reported for the preceding calendar year by employers subject to this chapter, divided by the average of the number of workers reported by such

employers, and shall be effective as to benefit determinations in the calendar year following such computation and determination.

(d) Maximum total benefits.

(1) With respect to an individual to whom benefits shall be payable for benefit years prior to January 1, 1968, as provided in this section such individual shall be entitled to receive, under each successive benefit determination relating to each of his base year employers, a total amount of benefits equal to three-quarters of his base weeks from the employer in question multiplied by his weekly benefit rate; but the amount of benefits thus resulting under any such determination made with respect to an employer, shall be adjusted to the next higher multiple of $1.00 if not already a multiple thereof.

With respect to an individual to whom benefits shall be payable for benefit years commencing on or after January 1, 1968 as provided in this section and prior to January 1, 1975, such individual shall be entitled to receive, under each successive benefit determination relating to each of his base year employers, a total amount of benefits equal to one-third of his total wages in his base year or three-quarters of his base weeks from the employer in question multiplied by his weekly benefit rate, whichever is the higher; but the amount of benefits thus resulting under any such determination made with respect to an employer shall be adjusted to the next higher multiple of $1.00 if not already a multiple thereof.

With respect to an individual to whom benefits shall be payable for benefit years commencing on or after January 1, 1975, as provided in this section, such individual shall be entitled to receive, under each successive benefit determination relating to each of his base year employers, a total amount of benefits equal to three-quarters of his base weeks from the employer in question multiplied by his weekly benefit rate; but the amount of benefits thus resulting under any such determination made with respect to any employer, shall be adjusted to the next higher multiple of $1.00 if not already a multiple thereof.

(2) No such individual shall be entitled to receive benefits under this chapter (R. S. 43:21–1 et seq.) in excess of 26 times his weekly benefit rate in any benefit year under either of subsections (c) and (f) of section 43:21–4 of this chapter (R. S. 43:21–1 et seq.). In the event that any individual qualifies for benefits under both of said subsections during any benefit year, the maximum total amount of benefits payable under said subsections combined to such individual during the benefit year shall be one-and-one-half

times the maximum amount of benefits payable under one of said subsections.

(3) The maximum total benefits of any individual shall be reduced by an amount equal to 17 times his weekly benefit rate upon the discovery by the division that such individual illegally received any sum as benefits contrary to the provisions of this chapter as the result of any false or fraudulent representation; provided, however, that such reduction shall apply only to a benefit year in existence at the time of the discovery and to a benefit year established within 1 year from the time of such discovery.

2. This act shall take effect immediately.

Approved March 31, 1978.

CHAPTER 19

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, 1978 and regulating the disbursement thereof," approved June 30, 1977 (P. L. 1977, c. 137).

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

GENERAL STATE OPERATIONS

DEPARTMENT OF HUMAN SERVICES

760. DIVISION OF MENTAL RETARDATION

1. In addition to all other appropriations heretofore made to the Division of Mental Retardation and to the several institutions within that division for institutional programs and for the purchased residential care program, there are hereby appropriated, for allocation to the several institutions within that division and to the purchased residential care program, all receipts representing reimbursements under the Intermediate Care Facilities-Mental Retardation program, for eligible expenses required to carry out approved corrective action plans and for other related program and administrative costs necessary to maintain eligibility for reimbursement and to qualify additional facilities and programs for

eligibility under the Intermediate Care Facilities-Mental Retardation program.

2. Any required portion of the appropriation made heretofore to the Division of Mental Retardation and to any institution or program within that division may be made available to the Division of Medical Assistance and Health Services by transfer or otherwise to constitute the non-Federal matching portion of the payments for medical assistance recipients under the Intermediate Care Facilities-Mental Retardation program.

3. This act shall take effect immediately and shall be retroactive to July 1, 1977.

Approved April 19, 1978.

CHAPTER 20

AN ACT to amend and supplement "The New Jersey Economic Development Authority Act," approved August 7, 1974 (P. L. 1974, c. 80).

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

1. Section 3 of P. L. 1974, c. 80 (C. 34:1B–3) is amended to read as follows:

C. 34:1B-3 Definitions.

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

a. "Authority" means the New Jersey Economic Development Authority, created by section 4 of this act.

b. "Bonds" means bonds or other obligations issued by the authority pursuant to this act.

c. "Cost" means

The cost of the acquisition, construction, reconstruction, repair, alteration, improvement and extension of any building, structure, facility including water transmission facilities, or other improvement; the cost of machinery and equipment, the cost of acquisition, construction, reconstruction, repair, alteration, improvement and extension of pollution control devices, equipment or facilities; the

cost of lands, rights-in-lands, easements, privileges, agreements, franchises, utility extensions, disposal facilities, access roads and site development deemed by the authority to be necessary or useful and convenient for any project or in connection therewith, discount on bonds, costs of issuance of bonds, engineering and inspection costs, cost of financial, legal, professional and other estimates and advice, organization, administrative, insurance, operating and other expenses of the authority or any person prior to and during any acquisition or construction, and all such expenses as may be necessary or incident to the financing, acquisition, construction or completion of any project or part thereof, and also such provision for reserves for payment or security of principal of or interest on bonds during or after such acquisition or construction as the authority may determine.

d. "County" means any county of any class.

e. "Development property" means any real or personal property interest therein, improvements thereon, appurtenances thereto and air or other rights in connection therewith, including land, buildings, plants, structures, systems, works, machinery and equipment acquired or to be acquired by purchase, gift or otherwise by the authority within an urban growth zone.

f. "Person" means any person, including individuals, firms, partnerships, associations, societies, trusts, public or private corporations, or other legal entities, including public or governmental bodies as well as natural persons. "Person" shall include the plural as well as the singular.

g. "Pollution control project" means any device, equipment, improvement, structure or facility or any land and any building, structure, facility or other improvement thereon, or any combination thereof, whether or not in existence or under construction, or the refinancing thereof in order to facilitate improvements or additions thereto or upgrading thereof, and all real and personal property deemed necessary thereto, having to do with or the end purpose of which is the control, abatement or prevention of land, sewer, water, air, noise or general environmental pollution, including, but not limited to, any air pollution control facility, noise abatement facility, water management facility, thermal pollution control facility, radiation contamination control facility, waste water collection system, waste water treatment works, sewage treatment works system, sewage treatment system or solid waste disposal facility or site; provided that the authority shall have received from the Commissioner of the State Department of

Environmental Protection or his duly authorized representative, a certificate stating the opinion that, based upon information, facts and circumstances available to the State Department of Environmental Protection and any other pertinent data, (1) said pollution control facilities do not conflict with, overlap or duplicate any other planned or existing pollution control facilities undertaken or planned by another public agency or authority within any political subdivision, and (2) that such facilities, as designed, will be a pollution control project as defined in this act and are in furtherance of the purpose of abating or controlling pollution.

h. "Project" means (1) (a) acquisition, construction, reconstruction, repair, alteration, improvement and extension of any building, structure, facility including water transmission facilities or other improvement, whether or not in existence or under construction, (b) purchase and installation of equipment and machinery, (c) acquisition and improvement of real estate and the extension or provision of utilities, access roads and other appurtenant facilities, and (2) (a) the acquisition, financing, or refinancing of inventory, raw materials, supplies, work in process, or stock in trade, or (b) the financing, refinancing or consolidation of secured or unsecured debt, borrowings, or obligations, or (c) the provision of financing for any other expense incurred in the ordinary course of business; all of which are to be used or occupied by any person in any enterprise promoting employment, either for the manufacturing, processing or assembly of materials or products, or for research or office purposes, including, but not limited to, medical and other professional facilities, or for industrial, recreational, hotel or motel facilities, public utility and warehousing, or for commercial and service purposes, including, but not limited to, retail outlets, retail shopping centers, restaurant and retail food outlets, and any and all other employment promoting enterprises including, but not limited to motion picture and television studios and facilities and (d) acquisition of an equity interest in, including capital stock of, any corporation; or any combination of the above, which the authority determines will (i) tend to maintain or provide gainful employment opportunities within and for the people of the State, or (ii) aid, assist and encourage the economic development or redevelopment of any political subdivision of the State, or (iii) maintain or increase the tax base of the State or of any political subdivision of the State, or (iv) maintain or diversify and expand employment promoting enterprises within the State; and (3) the cost of acquisition, construction, reconstruction, repair,

alteration, improvement and extension of a pollution control project which the authority determines will tend to reduce, abate or prevent environmental pollution within the State. Project may also include (i) reimbursement to any person for costs in connection with any project, or the refinancing of any project or portion thereof, if determined by the authority as necessary and in the public interest to maintain employment and the tax base of any political subdivision and will facilitate improvements thereto or the completion thereof, and (ii) development property and any construction, reconstruction, improvement, alteration, equipment or maintenance or repair, or, planning and designing in connection therewith.

i. "Revenues" means receipts, fees, rentals or other payments to be received on account of lease, mortgage, conditional sale, or sale and payments and any other income derived from the lease, sale or other disposition of a project, moneys in such reserve and insurance funds or accounts or other funds and accounts and income from the investment thereof, established in connection with the issuance of bonds or notes for a project or projects, and fees, charges or other moneys to be received by the authority in respect of projects and contracts with persons.

j. "Resolution" means any resolution adopted or trust agreement executed by the authority pursuant to which bonds of the authority are authorized to be issued.

k. "Urban growth zone" means any area within a municipality receiving State aid pursuant to the provisions of P. L. 1971, c. 64, or a municipality certified by the Commissioner of Community Affairs to qualify under such law in every respect except population, which area has been so designated pursuant to an ordinance of the governing body of such municipality.

2. Section 7 of P. L. 1974, c. 80 (C. 34:1B–7) is amended to read as follows:

C. 34:1B-7 Economic development fund established.

7. a. The authority shall establish and maintain a special fund called the "economic development fund" into which shall be deposited such moneys (1) as shall be appropriated by the State for the purpose of such fund; (2) if the authority so determines in any resolution authorizing any particular bonds, as shall be received by the authority from the sale of such bonds as provided by law; (3) as shall be received by the authority from the repayment of loans made pursuant to this act; (4) any other moneys or funds of the authority which it determines to deposit therein.

Moneys at any time in the economic development fund may be used by the authority for any purpose of this act, including but not limited to payment of administrative expenses incurred by the authority in the performance of its duties, subject only to any agreements with the holders of particular bonds or notes.

b. The authority may, in any resolution authorizing the issuance of bonds or notes, create or authorize the creation within said economic development fund of special funds to be held in pledge or otherwise for payment or redemption of such bonds or notes, reserves or other purposes and to covenant as to use and disposition of the moneys held in such funds.

c. Moneys at any time in the economic development fund may be used to guarantee loans made to project applicants by persons, provided that the authority determines that there is a reasonable prospect for repayment of such loans.

d. Moneys at any time in the economic development fund may be invested in any direct obligations of, or obligations as to which the principal and interest thereof is guaranteed by, the United States of America or such other obligations as the authority may approve.

3. (New section) There is hereby appropriated the sum of $3,000,000.00 from the unemployment compensation auxiliary fund established pursuant to R. S. 43:21–14 (g) to the economic development fund of the New Jersey Economic Development Authority for collateral reserve utilization by the New Jersey Economic Development Authority to guarantee project loans authorized by "The New Jersey Economic Development Authority Act", P. L. 1974, c. 80 (C. 34:1B–1 et seq.). Such moneys shall be deposited in the economic development fund and shall be subject to all terms and conditions of "The New Jersey Economic Development Authority Act", P. L. 1974, c. 80 (C. 34:1B–1 et seq.), provided that at least 50% of the dollar amount of outstanding loan and bond guarantees approved by the authority pursuant to this appropriation shall be designated for projects located in municipalities receiving assistance pursuant to the provisions of P. L. 1971, c. 64 as amended and supplemented.

4. This act shall take effect immediately.

Approved May 9, 1978.

CHAPTER 21

AN ACT to validate certain proceedings for the issuance of bonds of school districts and any bonds or other obligations issued or to be issued in pursuance of such proceedings.

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

Validating act.

1. All proceedings heretofore had or taken by any school district or at any school district election for the authorization or issuance of bonds of the school district, and any bonds or other obligations of the school district issued or to be issued in pursuance of a proposal adopted by the legal voters at such election, are hereby ratified, validated and confirmed, notwithstanding that notice of such election was not published in accordance with N. J. S. 18A:14–19, provided, however, that notice of such election was published prior to the election; and provided further that no action, suit or other proceeding of any nature to contest the validity of such proceedings has heretofore been instituted prior to the date on which this act takes effect and within the time fixed therefor by or pursuant to law or rule of court, or when such time has not heretofore expired, is instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved May 12, 1978.

CHAPTER 22

AN ACT concerning deer and amending R. S. 23:4–48

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

1. R. S. 23:4–48 is amended to read as follows:

Penalties.

23:4–48. Except as otherwise specifically permitted by this article: any person hunting for, pursuing, shooting at, taking,

killing, wounding, having in possession in this State or attempting to take, kill or wound a deer of any description other than as permitted by the State Fish and Game Code, hunting for, pursuing, shooting at, taking, killing, wounding, having in possession in this State or attempting to take, kill, wound or possess any wild deer at any time, except during the period designated therefor by the State Fish and Game Code, or in the absence of such provision in said code, except during the period designated therefor in this article; or killing in any one year more than the number of deer permitted by the State Fish and Game Code, or hunting for, pursuing, stalking or shooting at a wild deer, except by daylight on the days designated therefor by the State Fish and Game Code, or killing a deer in this State at any time and failing to report the same in the manner prescribed by the division, or killing a deer in this State at any time and failing to properly tag and transport the deer to a checking station for registration as provided in R. S. 23:4–47, or using or carrying a rifle of any kind or description for the purpose of hunting or pursuing deer, or violating any of the other provisions of this article or of the Fish and Game Code promulgated thereunder, or violating any other provisions of this Title or the Fish and Game Code pertaining to the taking of deer of either sex, shall be liable to a penalty of not less than $100.00 nor more than $500.00 for the first offense and not less than $300.00 nor more than $1,000.00 for the second and each subsequent offense.

2. This act shall take effect immediately.

Approved May 23, 1978.

CHAPTER 23

AN ACT concerning the civil service classification of certain employees of a county library system in certain cases.

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

C. 40:33-13.2c County library employees; civil service status; definitions.

1. Any former employee of a municipal free public library who has become an employee of a county library system pursuant to an agreement providing for the admission or merger of the municipal

free public library to or into the county library system, shall be placed in the classified service of the civil service of the county, subject to individual entry qualifying examinations. Those employees so placed shall continue in the position in which employed at the time of the admission or merger and shall be subject to all provisions of Subtitle 3 of Title 11 (Civil Service) of the Revised Statutes.

As used in this act;

"Municipal free public library" means a free public library established pursuant to Article 1 of chapter 54 of Title 40 of the Revised Statutes by a municipality in which the provisions of Subtitle 3 of Title 11 (Civil Service) of the Revised Statutes have not been adopted;

"County library system" means a county library system established and organized pursuant to Article 1 of chapter 33 of Title 40 of the Revised Statutes in a county in which the provisions of Subtitle 3 of Title 11 (Civil Service) have been adopted.

2. This act shall take effect immediately.

Approved May 23, 1978.

CHAPTER 24

AN ACT concerning county prosecutors and assistant county prosecutors and amending P. L. 1970, c. 6 and P. L. 1976, c. 15.

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

1. Section 1 of P. L. 1970, c. 6 (C. 2A:158–1.1) is amended to read as follows:

C. 2A:158-1.1 County prosecutors in certain counties; full-time duties.

1. Any person appointed on or after January 20, 1970 to the office of county prosecutor of any of the following counties shall devote his entire time to the duties of his office and shall not engage in the practice of law or other gainful employment:

a. Counties of the first class;
b. Counties of the second class;
c. Counties of the third class having a population between 60,000 and 72,000 under the 1970 Federal census;

d. Counties of the third class having a population in excess of 170,000 under the 1970 Federal census;
e. Counties of the fifth class; and
f. Counties of the sixth class.

Any county prosecutor of any of the aforementioned counties in office on the effective date of this amendatory act who shall elect to devote his entire time to the duties of such office for the remainder of his term may elect so to do by filing a written election with the Governor, the Attorney General, the Secretary of State and the clerk of the board of chosen freeholders.

2. Section 4 of P. L. 1970, c. 6 (C. 2A:158–15.2) is amended to read as follows:

C. 2A:158-15.2 Salaries of certain assistant prosecutors.

4. Notwithstanding the provisions of N. J. S. 2A:158–16 assistant prosecutors required to devote their entire time to the duties of their office shall receive annual salaries, to be fixed by the board of chosen freeholders on recommendation of the county prosecutor, as follows:

a. The first assistant prosecutor or the assistant prosecutor serving as the county prosecutor's principal assistant, not less than 30% nor more than 80% of the amount of the annual salary of the county prosecutor; and

b. Other assistant prosecutors, not less than 30% nor more than 80% of the amount of the annual salary of the county prosecutor.

The annual salary of assistant prosecutors, who, pursuant to this act, devote their entire time to the duties of such office, shall be based upon the annual salary of county prosecutors required to devote their entire time to the duties of such office, whether or not the respective county prosecutor is required to devote his entire time to the duties of such office.

3. Section 2 of P. L. 1976, c. 15 (C. 2A:158–15.1a) is amended to read as follows:

C. 2A:158-15.1a Applicability of act to certain assistant prosecutors.

2. The provisions of P. L. 1970, c. 6, s. 3 (C. 2A:158–15.1) shall not apply to any assistant prosecutor in a county of the fifth class having a population of less than 150,000 under the 1960 Federal census or to any assistant prosecutor in a county of the sixth class, or to any assistant prosecutor in a county of the third class having a population of less than 61,000 under the 1970 Federal census, or to any assistant prosecutor in a county of the third class having a population between 150,000 and 175,000 under the

1970 Federal census; provided, however, that the county prosecutor of any such county, whether or not such county prosecutor is required to devote his entire time to the duties of such office, where there appears to be a reasonable necessity therefore and where approved by order of the assignment judge, may direct that any assistant prosecutor devote his entire time to the duties of such office and not engage in the practice of law or other gainful employment.

4. This act shall take effect immediately.

Approved May 23, 1978.

CHAPTER 25

AN ACT creating a commission to study teacher preparation programs at New Jersey colleges.

WHEREAS, The State has the primary responsibility for ensuring that each child in New Jersey receives a thorough and efficient education; and

WHEREAS, Central to the attainment of that goal is the assurance that professional personnel in the schools possess and maintain demonstrated teaching competence; and

WHEREAS, The colleges of New Jersey are our major resource for the preservice and graduate training of teachers in our public schools; and

WHEREAS, Quality instruction in our colleges is a necessary precondition for quality instruction in our public schools; now, therefore

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

1. There is hereby created a commission to consist of 13 members to be appointed as follows: two to be appointed from the membership of the Senate by the President thereof, no more than one of whom shall be of the same political party; two to be appointed from the membership of the General Assembly by the Speaker thereof, no more than one of whom shall be of the same political

party; and seven to be appointed by the Governor, whose appointees shall include one dean of a teacher education school or program at a New Jersey college, one teaching staff member of a teacher education program in a New Jersey college and one person who shall be a member of the graduating class of 1978 enrolled in an approved teacher education program at a New Jersey college and four members of the general public. The Chancellor of Higher Education and the Commissioner of Education or their designated representatives shall be ex officio voting members of the commission. All shall serve without compensation. Vacancies in the membership of the commission shall be filled in the same manner as the original appointments were made.

2. The commission shall organize as soon as may be after the appointment of its members and shall select a chairman from among its members and a secretary who need not be a member of the commission.

3. It shall be the duty of said commission to conduct a study of teacher preparation programs at New Jersey colleges with emphasis on the accreditation, approval and evaluation of such programs, and to assess such programs in the context of the goals and missions of each institution and of the Statewide master plan for higher education.

4. The commission shall be entitled to call to its assistance and avail itself of the services of such employees of any State, county or municipal department, board, bureau, commission or agency as it may require and as may be available to it for said purpose, and to employ such stenographic and clerical assistants and incur such traveling and other miscellaneous expenses as it may deem necessary, in order to perform its duties, and as may be within the limits of funds appropriated or otherwise made available to it for said purposes.

5. The commission may meet and hold hearings at such place or places as it shall designate during the sessions or recesses of the Legislature and shall report its findings and recommendations to the Legislature not later than January 1, 1979, accompanying the same with any legislative bills which it may desire to recommend for adoption by the Legislature.

6. There is appropriated $25,000.00 for the purposes of this act from the amount appropriated to the Department of Education for teacher certification under account number 32160 in the

1978-1979 General Appropriations Act (now pending before the Legislature as Senate Bill No. 1075).

7. This act shall take effect immediately.

Approved May 23, 1978.

CHAPTER 26

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, 1978, and regulating the disbursement thereof," approved June 30, 1977 (P. L. 1977, c. 137).

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

1. There is hereby appropriated out of the General Treasury, the following:

DEPARTMENT OF ENVIRONMENTAL PROTECTION

41300. RESOURCE MANAGEMENT

41320-400-100. Forest Resource Management		$240,700
Maintenance of Property:		
Non-Recurring and Replacements	($191,700)	
Additions and Improvements	(49,000)	
Total Supplemental Appropriation		$240,700

2. This act shall take effect immediately.

Approved May 23, 1978.

CHAPTER 27

A SUPPLEMENT to the "New Jersey Sports and Exposition Authority Law," approved May 10, 1971 (P. L. 1971, c. 137, C. 5:10–1 et seq.).

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

1. In the event that the holder of an executed agreement to purchase or an option to purchase the Garden State Racetrack, subsequent to the enactment of this act but prior to acquisition of the racetrack by the authority, makes application to the racing commission for a racing permit or permits, the racing commission shall proceed to review and act on any such application within 30 days after its filing and the racing commission is authorized in its sole discretion to determine whether a permit shall be granted to such applicant. If, after such review, the racing commission acts favorably on such application, a permit shall be granted to the applicant without any further approval, which permit shall be in substitution for and shall supersede the permit issued to the Garden State Racing Association for racing days in 1978. In granting a permit to the applicant to conduct a horse race meeting, the racing commission shall not be subject to any limitation as to the number of tracks authorized for the conduct of horse race meetings pursuant to any provision of P. L. 1940, c. 17 (C. 5:5–22 et seq.). Said permit shall set forth the dates to be allotted to the applicant for its initial horse race meetings. Thereafter application for dates for horse race meetings by the permit-holder and the allotment thereof by the racing commission, including the renewal of the same dates theretofore allotted, shall be governed by the applicable provisions of P. L. 1940, c. 17 (C. 5:5–22 et seq.). Notwithstanding the provision of any other law to the contrary, the racing commission shall allot annually to the private buyer in the case of harness racing up to 100 racing days and in the case of running racing, up to 100 racing days at such Garden State facility, if and to the extent that application is made therefor.

2. No hearing, referendum or other election or proceeding shall be required for the private buyer to hold or conduct the horse race meetings with parimutuel wagering herein authorized.

3. This act shall take effect immediately.

Approved May 25, 1978.

CHAPTER 28

AN ACT designating a day to be observed as "Volunteer Fireman's Day" and supplementing Title 36 of the Revised Statutes.

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

C. 36:1-8 Volunteer fireman's day.

1. For the purpose of paying special tribute to volunteer firemen, the second Sunday of January in each year is designated for the general observance of that purpose and shall be known as "Volunteer Fireman's Day."

2. This act shall take effect immediately.

Approved June 5, 1978.

CHAPTER 29

AN ACT concerning annual meetings of county committees of political parties in certain cases and amending R. S. 19:5–3.

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

1. R. S. 19:5–3 is amended to read as follows:

Membership and organization of county committees; vacancies; certification of unit of representation and number of election districts.

19:5–3. The members of the county committees of political parties shall be elected annually at the primary for the general election in the manner provided in this Title for the selection of party candidates to be voted for at the general election by voters of a municipality. The county committee shall consist of one male and one female member from each unit of representation in the county. The male receiving the highest number of votes among the male candidates and the female receiving the highest number of votes among the female candidates shall be declared elected. Members of the county committee shall actually reside in the districts or units which they respectively represent. The county committee shall determine by its bylaws the units into which the county shall be divided for purpose of representation in the county committee.

The members of the county committee of each of the political parties shall take office on the first Saturday following their election, on which day the terms of all members of such committees theretofore elected shall terminate. The annual meeting of each county committee shall be held on the first Tuesday following the primary election, except that when such meeting day falls on a legal holiday then the said meeting shall be held on the day following, and when such meeting day falls on the day of a municipal runoff election within the county then said meeting may be held on the day following, at an hour and place to be designated in a notice in writing to be mailed by the chairman of the outgoing county committee to each member-elect, at which annual meeting the members of such committee shall elect some suitable person as chairman to hold office for 1 year, or until his successor is elected. The members shall also elect a vice-chairman of the opposite sex of the chairman to hold office for 1 year or until his or her successor is elected and the vice-chairman shall perform all duties required of him or her by law and the constitution and bylaws of such committee. Such committee shall have power to adopt a constitution and bylaws for its proper government. The chairman shall preside at all meetings of the committee and shall perform all duties required of him by law and the constitution and bylaws of such committee.

A member of a county committee of any political party may resign his office to the committee of which he is a member, and upon acceptance thereof by the committee a vacancy shall exist. A vacancy in the office of a member of the county committee of any political party, caused by death, resignation, failure to elect or otherwise, shall be filled for the unexpired term by the municipal committee of the municipality wherein the vacancy occurs, if there is such committee, and if not, by the remaining members of the county committee of such political party representing the territory in the county in which such vacancy occurs.

The chairman of the county committee of the several political parties shall before April 1, certify to the clerk of each municipality in the county the unit of representation in such municipality, together with the enumeration of the election district or districts embraced within such unit.

2. This act shall take effect immediately.

Approved June 7, 1978.

CHAPTER 30

AN ACT concerning decedents' estates and advancing the effective date of P. L. 1977, c. 412.

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

1. Section 91 of P. L. 1977, c. 412 is amended to read as follows:

91. This act shall take effect on September 1, 1978.

2. This act shall take effect immediately.

Approved June 8, 1978.

CHAPTER 31

AN ACT concerning horse race meetings in certain cases and supplementing P. L. 1940, c. 17.

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

1. (New section) Notwithstanding the provisions of section 46 of P. L. 1940, c. 17 (C. 5:5–66) to the contrary, from the total contributions to all parimutuel pools conducted or made during the 1978 calendar year on any and every running race meeting;

a. Where the amount derived therefrom does not exceed $1,000,000.00 per day based on such contributions accumulated and averaged during the 1978 calendar year, the permitholder shall withhold from the percentage due the State 2½% to be retained for his own uses and purposes in accordance with subsection b.(4) of section 46 of P. L. 1940, c. 17 (C. 5:5–66); and in addition, of the total contributions up to $700,000.00 per day, based on such contributions accumulated and averaged during each calendar year, the permitholder shall withhold from the percentage due the State an additional 2% which shall be used exclusively for the purpose of increasing overnight purses, provided however that no such deduction shall be permitted on that portion of the daily contributions which exceeds $700,000.00;

b. Where the amount derived therefrom exceeds $1,000,000.00 per day based on such contributions accumulated and averaged during the 1978 calendar year, the permitholder shall withhold from the percentage due the State 1% to be retained for his own uses and purposes in accordance with subsection b.(4) of section 46 of P. L. 1940, c. 17 (C. 5:5–66); and in addition, of the total contributions up to $500,000.00 per day, based on such contributions accumulated and averaged during each calendar year, the permitholder shall withhold from the percentage due the State an additional 2% which shall be used exclusively for the purpose of increasing overnight purses, provided however that no such deduction shall be permitted on that portion of the daily contributions which exceeds $500,000.00;

c. Every permitholder engaged in the business of running race meetings shall retain the breaks as defined by section 44 of P. L. 1940, c. 17 (C. 5:5–64), except as the same shall have been applied toward making up a deficiency in a pool as provided in said section, and shall allot the breaks in the following manner:

(1) 50% in accordance with subsection a. of section 44 of P. L. 1940, c. 17 (C. 5:5–64); and

(2) 50% in accordance with subsection b. of section 44 of P. L. 1940, c. 17 (C. 5:5–64).

2. (New section) Notwithstanding the provisions of section 46 of P. L. 1940, c. 17 (C. 5:5–66), from the total contributions to all parimutuel pools conducted or made during the 1978 calendar year on any and every harness race meeting, the permitholder shall withhold from the percentage due the State 1/2 of 1% which shall be used exclusively for the purpose of increasing overnight purses.

3. (New section) In addition to the racing days authorized by section 44 of P. L. 1940, c. 17 (C. 5:5–44), the commission may also allot among the harness racing permitholders an additional 100 days, in any proportion it deems fit where it is in the public interest to do so commensurate with the provisions of section 44 of P. L. 1940, c. 17 (C. 5:5–44).

4. (New section) Nothing in this act shall be deemed to affect these facilities which fall within the provisions of P. L. 1971, c. 137 (C. 5:10–1 et seq.).

5. This act shall take effect immediately and shall be retroactive to April 1, 1978 and shall expire December 31, 1978.

Approved June 9, 1978.

CHAPTER 32

AN ACT concerning appeals to the tax court with respect to transfer inheritance and estate taxes and amending R. S. 54:33–2, 54:34–13 and 54:38–10.

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

1. R. S. 54:33–2 is amended to read as follows:

Jurisdiction of tax court.

54:33–2. The tax court on appeal shall have jurisdiction to hear and determine all questions in relation to a tax levied under the provisions of chapters 33 to 36 of this Title (§ 54:33–1 et seq.).

2. 54:34–13 is amended to read as follows:

Appeal.

54:34–13. Any interested person dissatisfied with the appraisement or assessment so made may appeal therefrom to the tax court within 60 days after the making and entering of the assessment, on giving a bond, approved by a judge of the tax court, conditioned to pay the tax so levied, with interest and costs, if the same be affirmed by the tax court.

3. R. S. 54:38–10 is amended to read as follows:

Jurisdiction of tax court.

54:38–10. The tax court on appeal shall have jurisdiction to hear and determine all questions in relation to any tax imposed under the provisions of this chapter. Any executor, administrator, trustee, person or corporation liable for the payment of any tax imposed by this chapter may appeal to the tax court for a review thereof within 60 days of the date of notice assessing the tax complained of, on giving bond, approved by a judge of the tax court conditioned to pay said tax, together with interest and costs, if said tax be affirmed by the court.

4. This act shall take effect July 1 1979.

Approved June 13, 1978.

CHAPTER 33

AN ACT to establish a tax court and to provide for its powers, functions, judges and personnel and for certain transfers of jurisdiction and officers of the Division of Tax Appeals in the Treasury Department and repealing R. S. 54:2–45.

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

C. 2A:3A-1 Tax court established.

1. A tax court is hereby established as an inferior court of limited jurisdiction, pursuant to Article VI, Section I, paragraph 1 of the New Jersey Constitution.

C. 2A:3A-2 Judges; location; facilities.

2. The tax court shall consist of no less than six, nor more than 12 judges, each of whom shall exercise the powers of the court, subject to rules of the Supreme Court. The tax court shall maintain permanent locations in Trenton and Newark and may meet and hold sessions at such other locations throughout the State as may be necessary to accommodate taxpayers or the calendar of the court.

The State shall provide courtrooms, chambers and offices for the tax court on a shared basis with the Superior Court as to the required permanent locations in Trenton and Newark and by arranging for shared use of existing courtrooms, chambers and offices or other appropriate facilities at such other locations throughout the State as may be from time to time necessary to accommodate taxpayers or the calendar of the tax court.

C. 2A:3A-3 Jurisdiction; practice and procedure.

3. The tax court shall be a court of record, having a seal, and shall have jurisdiction to hear and determine all tax appeals of such character as now are taken to, and heard and determined by, the Division of Tax Appeals in the Department of the Treasury. Practice and procedure in the tax court shall be as provided by rules of the Supreme Court.

C. 2A:3A-4 Granting equitable relief; hearing and determination of issues of fact and of law de novo; publication of court's decisions.

4. a. The tax court, in all causes within its jurisdiction, and subject to law, may grant legal and equitable relief so that all

matters in controversy between the parties may be completely determined.

b. The tax court shall hear and determine all issues of fact and of law de novo.

c. Decisions of the tax court shall be published in such manner as shall be directed by the Supreme Court.

C. 2A:3A-5 Small claims division; jurisdiction.

5. There is hereby established within the tax court a Small Claims Division which shall have jurisdiction of the following classes of cases:

a. A proceeding for refund with respect to any year for which the amount of refund claimed does not exceed $2,000.00, exclusive of interest and penalties.

b. A proceeding to set aside additional taxes assessed or taxes assessed with respect to any year for which the amount in controversy does not exceed $2,000.00, exclusive of interest and penalties.

C. 2A:3A-6 Assignment of cases.

6. The clerk of the tax court shall assign cases to the Small Claims Division when he finds from an examination of the petition that jurisdiction exists under section 5 hereof.

C. 2A:3A-7 Hearing in division.

7. The hearing in the Small Claims Division shall be informal, and the judge may hear such testimony and receive such evidence as he deems necessary or desirable for a just and equitable determination of the case, except that all testimony shall be given under oath. A party may appear on his own behalf or may be represented or accompanied by an attorney or such other person as may be provided by rules of the Supreme Court.

C. 2A:3A-8 Judgment.

8. The judgment in the Small Claims Division may include orders to correct an assessment roll or a tax roll, or both, modify or cancel an assessment, pay or allow a refund, to take such other action as may be necessary to effectuate the judgment.

C. 2A:3A-9 Alteration of jurisdiction, powers and functions of tax court.

9. The jurisdiction, powers and functions of the tax court may be altered by law as the public good may require.

C. 2A:3A-10 Appeals.

10. Appeals may be taken to the Appellate Division of the Superior Court.

C. 2A:3A-11 Appointment of judges.

11. The Governor shall nominate and appoint, with the advice and consent of the Senate, the judges of the tax court.

C. 2A:3A-12 Manner of appointments; "political parties" defined.

12. All appointments to such judgeships shall be made in such manner that the appointees shall be, as nearly as possible, in equal numbers, members of different political parties so as to constitute the tax court bipartisan in character.

The words "political parties" mean such political parties as shall have cast the largest and next to the largest number of votes, respectively, for members of the General Assembly at the last preceding general election held for the election of all the members of the General Assembly prior to the making of any such appointments.

C. 2A:3A-13 Qualifications.

13. The judges of the tax court shall each, prior to his appointment, have been admitted to the practice of law in this State for at least 10 years, and shall be chosen for their special qualifications, knowledge and experience in matters of taxation.

C. 2A:3A-14 Appointment of presiding judge; responsibility for administration of court.

14. The Chief Justice shall appoint one of the judges of the tax court to be the presiding judge of the tax court. The presiding judge shall, subject to the supervision of the Chief Justice and the Administrative Director of the Courts, be responsible for the administration of the tax court.

C. 2A:3A-15 Terms; retirement.

15. The judges of the tax court who shall be hereafter appointed shall hold their offices for initial terms of 7 years and until their successors are appointed and qualified, and upon reappointment shall hold their offices during good behavior; provided, however, that the judges of the tax court first appointed shall serve for terms of from 3 to 7 years, as shall be specified upon nomination, so to provide for staggered expiration of terms. Such judges shall be retired upon attaining the age of 70 years, upon the same terms and conditions as a judge of the Superior Court.

C. 2A:3A-16 Impeachment; removal.

16. The judges of the tax court shall be subject to impeachment, and any judicial officer impeached shall not exercise his office until acquitted. They shall also be subject to removal from office by the Supreme Court for such causes and in such manner as is provided by law for the removal of judges of the Superior Court.

C. 2A:3A-17 Retirement due to incapacity to perform duties.

17. Whenever the Supreme Court shall certify to the Governor that it appears that any judge of the tax court is so incapacitated as substantially to prevent him from performing his judicial duties, the Governor shall appoint a commission of three persons to inquire into the circumstances and, on their recommendation the Governor may retire the judge from office, on pension, as may be provided by law.

C. 2A:3A-18 Annual salary; practice of law or other gainful pursuit not allowed while in office.

18. Each judge of the tax court shall receive for his services an annual salary in the same amount as is payable to a judge of the superior court and which shall not be diminished during the term of his appointment. No judge, while in office, shall engage in the practice of law or other gainful pursuit.

C. 2A:3A-19 Pension rights and privileges.

19. Each judge of the tax court shall be entitled to the same pension rights and privileges of judges of the superior court.

C. 2A:3A-20 Holding other office or position; forfeiture of judicial office when running for elective public office.

20. The judges of the tax court shall hold no other office or position of profit under this State or the United States. Any such judge who shall become a candidate for an elective public office shall thereby forfeit his judicial office.

C. 2A:3A-21 Assignment of judges; powers and jurisdiction.

21. The Chief Justice of the Supreme Court may from time to time assign judges of the Superior Court to the tax court, as need appears, and may from time to time assign judges of the tax court to the Superior Court or to any other court as the need appears, and any judge so assigned shall have all the powers and jurisdiction vested in or exercised by a judge of the court to which he is assigned.

C. 2A:3A-22 Compelling obedience to orders and sentences in contempt.

22. The tax court may compel obedience to its process, orders, judgments and sentences in contempt, as fully and amply as the Superior Court.

C. 2A:3A-23 Appointment of clerk.

23. The clerk of the tax court shall be appointed by the Supreme Court.

C. 2A:3A-24 Annual report.

24. The presiding judge shall annually cause a report to be written and submitted to the Chief Justice of the Supreme Court.

Such report shall be published as part of the Annual Report of the Administrative Director of the Courts. Such report shall contain such information and statistics as may be appropriate to demonstrate for the previous fiscal year the total number of appeals pending before the tax court, the disposition of the various appeals disposed of during that fiscal year, the character of appeals filed during that fiscal year with regard to the tax from which they are appealed, the total amount of assessment involved in those appeals, the number of appeals filed in each filing fee category during that fiscal year, and the classification of properties for which appeals were filed during that fiscal year. Such report shall also set forth the total amount of reductions or increases of assessed valuation granted during that fiscal year, and a brief description of the standards of assessment and of legal principle utilized by the tax court in making judgments on cases during that fiscal year. Such report may also contain such recommendations as the presiding judge may wish to make regarding the clarification or revision of legislation, rules and regulations relating to taxation, or the practice and procedures in the tax court.

C. 2A:3A-25 Transfer of employees.

25. a. All present employees of the Division of Tax Appeals except anyone holding an appointment as a judge shall be transferred to the office of the clerk of the tax court, and all of such employees shall retain their present civil service status. All future appointments of assistants to the office of the clerk shall be made by the clerk of the tax court in accordance with the provisions of the Civil Service Law.

b. The transfer of present employees at the Division of Tax Appeals shall be effected in such a manner as to avoid interruption or delay of hearings provided for hereunder except that all such employees shall be employees of the office of the clerk of the tax court.

c. Nothing herein shall be construed as effecting a transfer of any person holding an appointment as a judge of the Division of Tax Appeals to the office of the clerk of the tax court or to any office or position in the tax court.

C. 2A:3A-26 Transfer of causes and proceedings.

26. All causes and proceedings pending in the Division of Tax Appeals, shall be transferred to the tax court, together with all existing files and records except as provided in section 27.

27. On the effective date of this act the judges of the Division of Tax Appeals shall not initiate any additional hearings, but they

shall complete any hearing in progress and shall render a final decision within 6 months. On December 31, 1979 or upon rendering such final decision, whichever is earlier, the terms of office of such judges shall terminate and the Division of Tax Appeals shall be abolished.

C. 2A:3A-27 References to tax court.

28. Whenever in any law, rule, regulation, order, contract, document, judicial or administrative proceedings, or otherwise, reference is made to the Division of Tax Appeals in the Department of the Treasury, the same shall be considered to mean and refer to the tax court established under this act.

C. 2A:3A-28 Fees.

29. a. Whenever any appeal shall be taken to the tax court pursuant to any law in which provision is or shall be made for such appeal, the petitioner shall pay such fee or fees as may be established by law.

b. The fee or fees to be paid upon the filing of an appeal and for other purposes shall be established in the same manner as such are established by the Superior Court, provided however such fees as may be established shall be designed to reasonably offset the costs of the tax court.

c. No appeal shall be heard by the tax court unless the fee or fees as may be established are paid in full. All fees shall be payable to the clerk of the tax court, and shall be reported and accounted for by him as provided by law for moneys collected by the Superior Court. All such fees shall be for the use of the State and shall not be refundable except as specifically provided for by rules of the court.

C. 2A:3A-29 Construction of act; partial invalidity.

30. This act shall be liberally construed to effectuate the purpose and intent thereof. If any section, subsection, paragraph, sentence or other part of this act is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this act, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this act directly involved in the controversy in which said judgment shall have been rendered.

Repealer.

31. R. S. 54:2–45 is repealed.

32. This act shall take effect July 1 next following adoption of the constitutional amendment presently pending as Assembly Con-

current Resolution No. 38, except any appointment, any confirmation of any appointment, and any action permitted or required by this act and necessary to effectuate this act as of such date may be made or undertaken prior to such date.

Approved June 13, 1978.

CHAPTER 34

AN ACT to abolish certain committees, councils and boards, providing for the disposition of the files, records and property thereof, lapsing to the general treasury any and all unexpended appropriations thereto, amending P. L. 1969, c. 202, s. 3, and repealing sundry acts.

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

1. The terms of office of the members of committees, councils and boards abolished by this act are terminated. The files and records remaining in the possession of any thereof shall be made available for inspection by the Legislative Services Agency and the Division of the State Library, Archives and History for a determination as to material which should be retained by the Legislative Services Agency, filed in the State Library, delivered to another State agency or destroyed. Any physical property of any such committee, council and board shall be reported to the Division of Purchase and Property for appropriate disposition. Any and all unexpended balances of funds appropriated to such committees, councils and boards are lapsed to the general treasury.

2. The following bodies are abolished:

a. The State Medical Examination Advisory Committee, created by P. L. 1967, c. 234 (C. 52:17B–82).

b. The Narcotic Advisory Council, created by P. L. 1964, c. 226, ss. 2 to 4 (C. 30:6C–2 to 30:6C–4, inclusive).

c. The Parks, Forestry and Recreation Council, created by P. L. 1966, c. 54, ss. 4 and 5 (C. 13:1B–15.103 and 13:1B–15.104).

d. The Urban Loan Advisory Council created by P. L. 1969, c. 202, s. 3 (C. 52:27D–74).

3. Section 3 of P. L. 1969, c. 202 (C. 52:27D–74) is amended to read as follows:

C. 52:27D-74 Urban loan authority; establishment; membership; majority vote.

3. There is hereby established in the Department of Community Affairs a body corporate and politic, with corporate succession, to be known as the New Jersey Urban Loan Authority. The authority shall consist of three members, all ex-officio, who shall be the Commissioner of the Department of Banking, the State Treasurer, and the Commissioner of Community Affairs, who shall be the chairman. The functions, powers and duties of the authority may be exercised only upon a vote of a majority of its members. The authority shall be exempt from the provisions of Title 17 of the Revised Statutes and any regulations thereunder.

Repealer.

4. The following are repealed:

a. P. L. 1967, c. 234, (C. 52:17B–82).

b. P. L. 1964, c. 226 (C. 30:6C–2 to 30:6C–4, inclusive).

c. P. L. 1966, c. 54, ss. 4 and 5 (C. 13:1B–15.103 and 13:1B–15.104).

5. This act shall take effect immediately.

Approved June 19, 1978.

CHAPTER 35

AN ACT to amend and supplement the "Municipal Qualified Bond Act" approved June 28, 1976 (P. L. 1976, c. 38).

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

C. 40A:3-11 Qualified bonds; issuance.

1. (New section) a. Qualified bonds may be issued pursuant to the provisions hereof for the purpose of funding ordinances which have been adopted in the absence of compliance by the municipality with the provisions as to approval for qualification set forth herein, even if notes have been sold or other obligations incurred pursuant to said ordinance, provided that prior to the issuance of such bonds the municipality shall have complied with such provisions. In addition, outstanding bonds of a local unit may be refunded by the issuance of qualified refunding bonds whether or not in

advance of the maturity or redemption date of the outstanding bonds in any amount determined to be necessary by the governing body of the municipality to effect the refunding. A bond ordinance authorizing qualified refunding bonds shall become effective and qualified refunding bonds shall be sold and issued in the manner provided in N. J. S. 40A:2-52 to 40A:2-60, both inclusive, and the provisions of said sections shall be applicable thereto and to such refunding bonds and such refunding bonds shall recite that they are issued pursuant to said provisions and this act.

b. The Local Finance Board shall in undertaking the investigation required by subsection b of section 3 of P. L. 1976, c. 38 (C. 40A:3-3), take into consideration the probable capacity of the municipality to pay at maturity the qualified refunding bonds proposed to be issued and all other obligations thereof then outstanding, taking into consideration the assessed and true valuation of taxable property in the municipality, the equitable distribution of the burden of interest and debt redemption charges in connection with such qualified refunding bonds and the obligations theretofore outstanding or which may necessarily thereafter be incurred.

2. Section 2 of P. L. 1976, c. 38 (C. 40A:3-3) is amended to read as follows:

C. 40A:3-3 Definitions.

2. For the purposes of this act, unless the context clearly requires a different meaning:

a. "Business Personal Property Tax Replacement Revenues" means the funds distributed to municipalities pursuant to P. L. 1966, c. 135 (C. 54:11D-1 et seq.) or pursuant to any other law hereinafter enacted providing for funds to municipalities in lieu of or in substitution for or supplementing the funds presently provided pursuant to P. L. 1966, c. 135 (C. 54:11D-1 et seq.);

b. "Debt service" means and includes payments of principal and interest upon qualified bonds issued pursuant to the terms of this act or amounts required in order to satisfy sinking fund payment requirements with respect to such bonds;

c. "Director" means Director of the Division of Local Government Services in the Department of Community Affairs, established pursuant to P. L. 1974, c. 35 (C. 52:27D-18.1);

d. "Local Finance Board" means the Local Finance Board in the Division of Local Government Services in the Department of

Community Affairs, established pursuant to P. L. 1974, c. 35 (C. 52:27D–18.1);

e. "Paying agent" means any bank, trust company or national banking association having the power to accept and administer trusts, named or designated in any qualified bond of a municipality as the agent for the payment of the principal of and interest thereon and shall include the holder of any sinking fund established for the payment of such bonds;

f. "Qualified bonds" means those bonds of a municipality authorized and issued in conformity with the provisions of this act;

g. "State urban aid" means the funds made available to municipalities pursuant to P. L. 1971, c. 64 and all acts supplementing that act or pursuant to any other law hereinafter enacted providing for funds to municipalities in lieu of or in substitution for the funds presently provided pursuant to acts supplementing P. L. 1971, c. 64.

h. "State revenue sharing" means the funds made available to municipalities pursuant to P. L. 1976, c. 73 (C. 54A:10–1 et seq.) or pursuant to any other law hereinafter enacted providing for funds to municipalities in lieu of or in substitution for the funds presently provided pursuant to P. L. 1976, c. 73.

3. Section 6 of P. L. 1976, c. 38 (C. 40A:3–7) is amended to read as follows:

C. 40A:3-7 Certification of name and address of paying agent, maturity schedule, interest rate and dates of payment to State Treasurer; withholding State aid or revenue sharing to municipality to pay bonds; guarantee to bondholders.

6. a. Each municipality which issues qualified bonds shall certify to the State Treasurer the name and address of the paying agent, the maturity schedule, interest rate and dates of payment of debt service on such qualified bonds within 10 days after the date of issuance of such qualified bonds. After receipt of such certificate the State Treasurer shall withhold from the amount of business personal property tax replacement revenues State urban aid, and State revenue sharing payable to such municipality an amount of such business personal property tax replacement revenues State urban aid, and State revenue sharing which will be sufficient to pay the debt service on such qualified bonds as the same shall mature and become due. The State Treasurer shall, on or before each principal and interest payment date, forward such withheld amounts to the paying agent for such qualified bonds for deposit to the account established with such

paying agent for the purpose of paying the debt service on such qualified bonds. From the time withheld by the State Treasurer all such business personal property tax replacement revenue State urban aid, and State revenue sharing so withheld and paid or to be paid to and held by the paying agent shall be exempt from being levied upon, taken, sequestered or applied toward paying the debts of the municipality other than for payment of debt service on such qualified bonds. From the time withheld by the State Treasurer the business personal property tax replacement revenue State urban aid, and State revenue sharing so withheld and paid or to be paid to the paying agent shall be deemed to be held in trust for the sole purpose of paying the debt service on such qualified bonds.

b. The State of New Jersey hereby covenants with the purchasers, holders and owners, from time to time, of qualified bonds that it will not repeal, revoke, rescind, modify or amend the provisions of subsection a. of this section so as to create any lien or charge on or pledge, assignment, diversion, withholding payment or other use of or deduction from any business personal property tax replacement revenues, State urban aid, or State revenue sharing to be apportioned and paid to any paying agent of qualified bonds which is prior in time or superior in right to the payment required by subsection a. of this section; provided, however, that nothing herein contained shall be deemed or construed to require the State of New Jersey to continue to make payments of business personal property tax replacement revenues, State urban aid, or State revenue sharing or to limit or prohibit the State from repealing or amending any law heretofore or hereinafter enacted for the payment or apportionment of said revenues or aid or the manner, time, or amount thereof.

c. The certification to the State Treasurer as to amount payable in any year for debt service on such qualified bonds shall be fully conclusive as to such qualified bonds from and after the time of issuance of such qualified bonds notwithstanding any irregularity, omission or failure as to compliance with any of the provisions of this act with respect to such qualified bonds provided that such qualified bonds contain a recital to the effect that they are entitled to the benefits of the provisions of this act. All persons shall be forever estopped from denying that such qualified bonds are entitled to the benefits of the provisions of this act.

4. Section 7 of P. L. 1976, c. 38 (C. 40A:3–8) is amended to read as follows:

C. 40A:3-8 Payment of principal and interest due on qualified bonds; payment of operating expenses.

7. Nothing contained in this act shall be construed to relieve any municipality of the obligation imposed on it by law to include in its annual budget amounts necessary to pay, in each year, the principal and interest maturing and becoming due on any qualified bonds issued by such municipality; provided, however, that to the extent of the amounts withheld from business personal property tax replacement revenues, State urban aid, and State revenue sharing payable to such municipality and forwarded to the paying agent for such qualified bonds pursuant to section 6, such budgeted amounts, to the extent not needed to pay debt service on such qualified bonds, may be applied to the payment of the operating expenses of such municipality for such year; and provided, further, that in any year in which business personal property tax replacement revenues, State urban aid, or State revenue sharing is not appropriated, such budgeted amounts shall be used to pay the debt service maturing and becoming due in such year on such qualified bonds of the municipality.

5. This act shall take effect immediately.

Approved June 19, 1978.

CHAPTER 36

AN ACT concerning refunding of bonds of local units and amending sections 40A:2–51, 40A:2–52, 40A:2–53, 40A:2–55, 40A:2–58, 40A:2–60 and supplementing chapter 2 of Title 40A of the New Jersey Statutes.

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

1. N. J. S. 40A:2–51 is amended to read as follows:

Refunding bonds; issuance.

40A:2–51. Any local unit may incur indebtedness, borrow money, authorize and issue negotiable refunding bonds, notwithstanding any provision or limitation contained in this chapter or in any other law, and in any amount determined to be necessary by the governing body of the local unit and approved by the Local Finance Board to effect the refunding for the purpose of:

a. Paying, funding or refunding outstanding bonds of the local unit, including emergency appropriations and amounts owing to others for taxes levied in the local unit, or any renewals or extensions thereof, or any bonds issued to fund or refund the same and whether or not prior to the maturity or earliest redemption date of the bonds to be refunded, and

b. Paying the cost of the issuance of such refunding bonds, including printing, advertising, accounting and financial and legal expenses.

2. N. J. S. 40A:2–52 is amended to read as follows:

Authorization by refunding bond ordinance.

40A:2–52. Refunding bonds shall be authorized by a refunding bond ordinance which shall be adopted in the manner prescribed for adoption of a bond ordinance. No supplemental debt statement need be made or filed with respect to such ordinance or sum appropriated thereby as a down payment and obligations to be paid, funded or refunded with respect to which an ordinance authorizing the issuance of refunding bonds has been adopted pursuant to the provisions of this chapter and not otherwise deductible shall be deducted from the gross debt of the municipality.

3. N. J. S. 40A:2–53 is amended to read as follows:

Contents of refunding bond ordinance.

40A:2–53. A refunding bond ordinance shall contain in substance the following:

a. An authorization of the issuance of the refunding bonds, stating in brief and general terms sufficient for reasonable identification the purpose or purposes for which said bonds are to be issued and the obligations to be paid, funded or refunded, and the amount of the cost of issuing such bonds which is included in the authorized principal amount thereof; and

b. The principal amount of refunding bonds thereby authorized; and

c. In either the refunding bond ordinance or a resolution adopted prior to the issuance of the refunding bonds such further provisions as the local government board may require or approve as to deposit, securing, regulation, investment, reinvestment, disposition or application of the proceeds of such refunding bonds, and matters in connection therewith, including the officer or officers of the local unit to be responsible therefor, and amortization or other provision for premiums or other losses incurred.

Such refunding bond ordinance or resolution may also contain provisions, which shall be a part of the contract with the holders of such refunding bonds, as to the establishment of, and the making of appropriations for, reserves or sinking funds and the amount, source, securing, regulation and disposition thereof. Any matter relating to refunding bonds and not required to be contained in the refunding bond ordinance may be performed or determined by subsequent resolution of the governing body, or the performance or determination thereof delegated by resolution to a financial officer of the local unit.

The local unit may enter into any contracts or agreements to implement the refunding program, including agreements with banking institutions with respect to the application of moneys deposited in a sinking fund for the payment of the refunding bonds at their maturity date to the purchase of obligations of the United States Government or obligations the principal of and interest on which are guaranteed by the United States Government or obligations of any agency or instrumentality of the United States Government without regard to any limitations as to the investment or deposit of moneys.

4. N. J. S. 40A:2–55 is amended to read as follows:

Filing of certified copy of refunding bond ordinance; effective date.

40A:2–55. A certified copy of any refunding bond ordinance shall be filed with the director before final passage, together with a complete statement in form prescribed by the director and signed by the chief financial officer of the local unit as to the outstanding obligations to be paid, funded or refunded by issuance of the refunding bonds. No refunding bond ordinance or any resolution performing, determining or authorizing matters or acts in connection with refunding bonds shall take effect until the consent of the local government board shall have been endorsed upon a certified copy thereof as adopted.

Any certification or endorsement of consent made by the local government board or by a majority of the members thereof or by the secretary thereof pursuant to its direction as to any issue of refunding bonds shall, after the issuance of such refunding bonds in reliance thereon, be conclusive as to its validity or regularity and shall not be contested in any action or proceeding relating to such refunding bonds instituted after the issuance of such bonds.

5. N. J. S. 40A:2–58 is amended to read as follows:

Form and details of refunding bonds.

40A:2-58. Refunding bonds may be issued in 1 or more series and shall contain the word "refunding" in their title and shall recite that they are issued pursuant to this chapter and shall bear such date or dates, mature at such time or times not exceeding 40 years as may be approved by the Local Finance Board from their date, bear interest at such rate or rates, payable at such time or times, be in such denomination and in such form, either coupon or registered, carry such registration privileges, be executed in such manner consistent with the provisions of this chapter for bonds of a local unit, be payable at such place or places, and be subject to such terms of redemption, with or without premium, as may be determined by the refunding bond ordinance or by subsequent resolution or resolutions of the governing body.

6. N. J. S. 40A:2-60 is amended to read as follows:

Moneys or investments in sinking or reserve funds; disposition.

40A:2-60. Moneys or investments in any sinking fund or reserve fund of the local unit established or held for any obligations to be paid, funded or refunded by issuance of refunding bonds shall, unless the refunding bond ordinance provides otherwise, be applied to the payment or retirement of any such obligations. The refunding bond ordinance may provide that the proceeds from the sale of any refunding bonds shall be deposited in such sinking fund or reserve fund in trust to provide for the payment and retirement of the obligations being refunded at the maturity dates thereof or by redemption prior to the maturity dates and provision may be made for the pledge and disposition of any amounts in excess of the amounts required for such purposes. Money in any such sinking fund may be invested in (a) direct obligations of the United States Government, (b) obligations the principal of and interest on which are guaranteed by the United States Government, (c) to the extent then permitted by law in obligations of any agency or instrumentality of the United States Government, or (d) in certificates of deposit issued by a bank or trust company located in this State if such certificates shall be secured by a pledge of any of said obligations described in (a), (b) or (c) above having an aggregate market value, exclusive of accrued interest, equal at least to the principal amount of the certificates so secured. Nothing herein shall be construed as a limitation on the duration of any deposit in trust for the retirement of obligations being refunded but which shall not have matured and which shall not be presently

redeemable or, if presently redeemable, shall not have been called for redemption.

7. This act shall take effect immediately.

Approved June 19, 1978.

CHAPTER 37

AN ACT to amend the "Municipal Land Use Law," approved January 14, 1976 (P. L. 1975, c. 291).

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

1. Section 14 of P. L. 1975, c. 291 (C. 40:55D–23) is amended to read as follows:

C. 40:55D-23 Planning board membership.

14. Planning board membership. a. The governing body may, by ordinance, create a planning board of seven or nine members. The membership shall consist of, for convenience in designating the manner of appointment, the four following classes:

Class I—the mayor or, in the case of the council-manager form of government pursuant to the "Optional Municipal Charter Law," P. L. 1950, c. 210 (C. 40:69A–1 et seq.) or "The Municipal Manager Form of Government Law" (Subtitle 5 of Title 40 of the Revised Statutes), the manager, if so provided by the aforesaid ordinance.

Class II—one of the officials of the municipality other than a member of the governing body, to be appointed by the mayor; provided that if there be an environmental commission, the member of the environmental commission who is also a member of the planning board as required by section 1 of P. L. 1968, c. 245 (C. 40:56A–1), shall be deemed to be the Class II planning board member for purposes of this act in the event that there be among the Class IV member of the planning board both a member of the zoning board of adjustment and a member of the board of education.

Class III—a member of the governing body to be appointed by it, except that no member for Class III shall be appointed to the planning board if the governing body consists of only three members.

Class IV—other citizens of the municipality, to be appointed by the mayor or, in the case of the council-manager form of government pursuant to the "Optional Municipal Charter Law," P. L. 1950, c. 210 (C. 40:69A–1 et seq.) or "The Municipal Manager Form of Government Law" (Subtitle 5 of Title 40 of the Revised Statutes), by the council, if so provided by the aforesaid ordinance.

The members of Class IV shall hold no other municipal office, except that in the case of nine-member boards, one such member may be a member of the zoning board of adjustment. No member of the board of education may be a Class IV member of the planning board, except that in the case of a nine-member board, one Class IV member may be a member of the board of education. If there be a municipal environmental commission, the member of the environmental commission who is also a member of the planning board, as required by section 1 of P. L. 1968, c. 245 (C. 40:56A–1), shall be a Class IV planning board member, unless there be among the Class IV members of the planning board both a member of the zoning board of adjustment and a member of the board of education, in which case the member common to the planning board and municipal environmental commission shall be deemed a Class II member of the planning board.

b. The term of the member composing Class I shall correspond to his official tenure. The terms of the members composing Class II and Class III shall be for 1 year or terminate at the completion of their respective terms of office, whichever occurs first except for a Class II member who is also a member of the environmental commission. The term of a Class II or Class IV member who is also a member of the environmental commission shall be for 3 years or terminate at the completion of his term of office as a member of the environmental commission, whichever occurs first. The term of a Class IV member who is also a member of the board of adjustment, or board of education shall terminate whenever he is no longer a member of such other body or at the completion of his Class IV term, whichever occurs first. The terms of all Class IV members first appointed under this act shall be so determined that to the greatest practicable extent the expiration of such terms shall be distributed evenly over the first 4 years after their appointment; provided that the initial Class IV term of no member shall exceed 4 years. Thereafter, the Class IV term of each such member shall be 4 years. If a vacancy in any class shall occur otherwise than by expiration of the planning board term, it shall be filled by appoint-

ment, as above provided, for the unexpired term. No member of the planning board shall be permitted to act on any matter in which he has, either directly or indirectly, any personal or financial interest. Any member other than a Class I member, after a public hearing if he requests one, may be removed by the governing body for cause.

c. When any hearing before a planning board shall carry over two or more meetings, a member of the board who was absent for one or more of the meetings, shall be eligible to vote on the matter upon which the hearing was conducted, notwithstanding his absence from one or more of the meetings; provided, however, that such board member has available to him a transcript or recording of the meeting from which he was absent, and certifies in writing to the board that he has read such transcript or listened to such recording.

d. The governing body may provide in the ordinance creating the board for alternate members in Classes II, III, and IV. Such alternate members shall not exceed one in Class II, one in Class III, and two in Class IV. Alternate members of Classes II and III shall be appointed for terms to expire at the same time as the terms of regular members of their respective classes. Alternate members of Class IV shall serve for terms of 2 years; provided, however, that in the event that two alternate members of Class IV are appointed, the initial terms of such members shall be 1 and 2 years respectively. Such alternate members shall be designated by the chairman "Alternate No. 1" and "Alternate No. 2" and shall serve in rotation during the absence or disqualification of any regular member or members of Class IV. Alternate members of each class shall be appointed by the same appointing authority as regular members of that class.

2. Section 56 of P. L. 1975, c. 291 (C. 40:55D–69) is amended to read as follows:

C. 40:55D-69 Zoning board of adjustment.

56. Zoning board of adjustment. Upon the adoption of a zoning ordinance, the governing body shall create, by ordinance, a zoning board of adjustment which shall consist of seven members. Notwithstanding the provisions of any other law or charter heretofore adopted, such ordinance shall provide the method of appointment of such members. The terms of the members first appointed under this act shall be so determined that to the greatest practicable extent, the expiration of such terms shall be distributed evenly

over the first 4 years after their appointment; provided the initial term of no member shall exceed 4 years. Thereafter, the term of each such member shall be 4 years. No member may hold any elective office or position under the municipality. No member of the board of adjustment shall be permitted to act on any matter in which he has, either directly or indirectly, any personal or financial interest. A member may, after public hearing if he requests it, be removed by the governing body for cause. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term only.

The board of adjustment shall elect a chairman and vice-chairman from its members and select a secretary who may or may not be a member of the board of adjustment or a municipal employee.

The governing body may provide in the ordinance creating the board for not more than two alternate members. Alternate members shall be designated by the chairman "Alternate No. 1" and "Alternate No. 2" and shall serve in rotation during the absence or disqualification of any regular member or members. The term of each alternate member shall be 2 years.

3. This act shall take effect immediately.

Approved June 19, 1978.

CHAPTER 38

AN ACT to exempt from transfer inheritance taxation certain annuity benefits payable to beneficiaries of deceased military retirees, and amending R. S. 54:34–4.

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

1. R. S. 54:34–4 is amended to read as follows:

Exemptions.

54:34–4. The following transfers of property shall be exempt from taxation:

a. Property passing to or for the use of the State of New Jersey, or to or for the use of a municipal corporation within the State or other political subdivision thereof, for exclusively public purposes.

b. Property passing to a beneficiary or beneficiaries having any present or future, vested, contingent or defeasible interest under

any trust deed or agreement heretofore or hereafter executed by a resident or nonresident decedent, to the extent that the trust fund results from the proceeds of contracts of insurance heretofore or hereafter in force, insuring the life of such decedent, and paid or payable, at or after the death of such decedent, to the trustee or trustees under such trust deed or agreement.

c. Property passing to a trustee or trustees of any trust deed or agreement heretofore or hereafter executed, by virtue of any contract of insurance heretofore or hereafter in force insuring the life of a resident or nonresident decedent and the proceeds of which are paid or payable at or after the death of such decedent to such trustee or trustees for the benefit of a beneficiary or beneficiaries having any present or future, vested, contingent or defeasible interest under such trust deed or agreement.

d. That part of the estate of any decedent which passes to, for the use of or in trust for any educational institution, church, hospital, orphan asylum, public library or Bible and tract society or to, for the use of or in trust for any institution or organization organized and operated exclusively for religious, charitable, benevolent, scientific, literary or educational purposes, including any institution instructing the blind in the use of dogs as guides, no part of the net earnings of which inures to the benefit of any private stockholder or other individual or corporation; provided, that this exemption shall not extend to transfers of property to such educational institutions and organizations of other States, the District of Columbia, territories and foreign countries which do not grant an equal, and like exemption of transfers of property for the benefit of such institutions and organizations of this State.

e. That part of the estate of any decedent who has heretofore died, or may hereafter die, received, either heretofore or hereafter, by the legal representatives of such decedent, whether directly from the United States or through any intervening estate or estates, by reason of any war risk insurance certificate or policy, either term or converted, or any adjusted service certificate, issued by the United States. Nothing contained in this paragraph e. shall entitle any person to a refund of any tax heretofore paid on the transfer of property of the nature aforementioned; and provided further, that the exemption provided for in this paragraph e. shall not extend to that part of the estate of any decedent composed of property of the nature aforementioned, when such property was received by the decedent before death.

f. The proceeds of any contract of insurance heretofore or hereafter in force insuring the life of a resident or nonresident decedent paid or payable at or after the death of such decedent to any beneficiary or beneficiaries other than the estate or the executor or administrator of such decedent.

g. Any transfer, relinquishment, surrender or exercise at any time or times by a resident or nonresident of any right to nominate or change the beneficiary or beneficiaries of any contract of insurance heretofore or hereafter in force insuring the life of such resident or nonresident irrespective of whether such transfer, relinquishment, surrender or exercise of such right took place or whether the proceeds of such policy were paid or payable, before or after the taking effect of this act.

h. The value of any pension, annuity, retirement allowance, return of contributions, or benefit payable by the Government of the United States pursuant to the Civil Service Retirement Act to a beneficiary or beneficiaries other than the estate or the executor or administrator of a decedent.

i. The value of any annuity payable by the Government of the United States pursuant to the Retired Serviceman's Family Protection Plan or the Survivor Benefit Plan to a beneficiary or beneficiaries other than the estate or the executor or administrator of a decedent.

2. This act shall take effect immediately.

Approved June 19, 1978.

CHAPTER 39

AN ACT establishing the New Jersey State Employees Deferred Compensation Board, authorizing the State of New Jersey to enter into agreements with employees to defer payment of current salary, and supplementing Title 52 of the Revised Statutes.

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

C. 52:18A-163 New Jersey State employees deferred compensation board; membership; compensation; meetings.

1. There is hereby established in the Department of the Treasury the New Jersey State Employees Deferred Compensation Board

(hereinafter called the board). The membership of the board shall consist of the State Treasurer, who shall serve as chairman, the Commissioner of Insurance, and the Director of the Division of Budget and Accounting in the Department of the Treasury, who shall be members ex officio, or the designee of any of said officials. The members of the board shall receive no compensation for service on said board. The board shall meet at such time as called by the chairman or a majority of the board.

C. 52:18A-164 Power to adopt written plan.

2. Notwithstanding the provisions of any other statute, the board is empowered to adopt a written plan, consistent with the requirements of the United States Internal Revenue Service, under which a State employee may defer payment of a specified amount of salary until the future receipt thereof by the employee pursuant to the provisions of this act and the plan. The plan, when established, shall be called the New Jersey State Employees Deferred Compensation Plan (hereinafter called the plan).

C. 52:18A-165 Deduction from employee's salary.

3. The State may by a voluntary written agreement with any employee of the State provide that a portion of the employee's current salary from the State shall be deferred and deducted each payroll period for disposition by the board in accordance with the plan.

C. 52:18A-166 Fiduciary for investment of funds.

4. The plan shall designate the Division of Investment, as constituted by P. L. 1950, c. 270 (C. 52:18A–79 et seq.) as amended and supplemented from time to time, as the named fiduciary for the investment of funds under the plan and shall provide for such investment options as may be determined by the board, which may include but are not limited to group annuity programs, savings accounts, life insurance contracts, mutual funds, equities or bonds, provided said investments are made and administered in accordance with section 5 of this act; are authorized or approved for investment by the regulations of the State Investment Council; and are legal investments for fiduciaries of trust estates in this State.

C. 52:18A-167 Implementation and administration of act; distribution of investment earnings; uniform system of accounting; publicizing material concerning benefits by private organizations.

5. a. The board is empowered to take all measures necessary for the implementation and administration of this act, including but not limited to the following:

(1) The delegation of all or part of the administration of the Plan, including the management and investment of deferred and deducted salary funds, to any division or divisions within the Department of the Treasury;

(2) Contracting with one or more private organizations for the administration of all or part of the plan, including the management and investment or either thereof of deferred and deducted salary funds, provided that any such contract or contracts be in compliance with applicable bidding requirements for award of State contracts; and further provided that a board determination to contract for the investment of any or all of said funds is subject to the prior approval of the State Investment Council and when said approval has been received, the board shall delegate the responsibility for said contracting to the Division of Investment;

(3) Establishment of a plan or plan option which permits a participating employee to request the administrator of the plan to invest all or a specified percentage of said employee's deferred salary in one of or a specified combination of the following kinds of investments: (a) life insurance contracts, (b) annuity contracts, and (c) mutual fund shares; provided that the administrator retains the discretion to reject said request and further provided that the specific investment so made is selected and determined by the Division of Investment acting on behalf of the administrator or by a private organization operating under a contract pursuant to subsection 5a(2) of this section and subject to the approval of the Division of Investment;

(4) The establishment, either in the plan or through separate rules and regulations, of the requirements, limitations and conditions for participation in the plan, including but not limited to the setting forth of those State employees deemed eligible for participation in the plan; the amount of current salary an employee may defer and have deducted for disposition by the board; when and under what circumstances such deferrals and deductions may be made, changed or revoked; when and under what circumstances a participating employee or designated beneficiaries may withdraw funds from the plan; and when and under what circumstances records and data concerning benefits under the plan shall remain confidential;

(5) Consultation with any State agency or with majority representatives of State employees for the purpose of receiving their views and comments.

b. The board shall provide in the plan for any distribution of investment earnings, gains or losses, consistent with the requirements of the United States Internal Revenue Service. The distribution shall be allocated to each employee when he or she withdraws from the plan or receives benefits from the plan in accordance with the terms of the plan and the provisions of this act.

c. The board shall provide in the plan for a uniform system of accounting for each participating employee and for the investment of deferred compensation funds with annual or more frequent reports to the participants in the plan, provided however, that said uniform system of accounting as it applies to the investment of said funds shall be subject to the prior approval of and modification by the State Investment Council.

d. A private organization operating under a contract pursuant to subsection 5a(2) of this section or seeking or planning to seek such a contract may not distribute or make public any written material concerning any deferred compensation program or benefits authorized under this act without the prior approval by the Division of Investment of the form and content or the material.

C. 52:18A-168 Costs.

6. No significant costs shall be incurred by the State as a result of this act unless such costs are recovered by charging and collecting a service charge from all participating employees and in addition thereto or in lieu thereof such costs are recovered from any private organization or organizations with which the board has contracted for the administration of all or part of the plan. The amount of any costs incurred and to be recovered by the State shall be determined by the board.

C. 52:18A-169 Liability.

7. The State, the board and the members of the board, the Division of Investment and its employees, and the State Investment Council and its members shall not be liable for any loss incurred by any employee by reason of participation in the plan.

C. 52:18A-170 Moneys to remain assets of State; contractual obligation of State.

8. All moneys which are deferred and deducted in accordance with the provisions of this act and the plan shall remain assets of the State and shall be invested in accord with the provisions of this act and the plan. The obligation of the State to participating employees and contractors shall be contractual only and no preferred or special interest in the deferred moneys shall accrue to such employees or contractors.

C. 52:18A-171 Rights to receive payments declared unassignable.

9. No participating employee or beneficiary thereof shall have the right to commute, sell, assign or otherwise transfer or convey the rights to receive any payments deriving from participation in the plan and such payments and rights are expressly declared to be and shall be unassignable.

C. 52:18A-172 Deferred salary included as regular compensation; federal taxes.

10. Any amount of the employee's salary that is deferred and deducted under this act and the plan shall continue to be included as regular compensation for all purposes, including pension benefits earned by any such employee, but any salary deferred and deducted shall not be included in the computation of any Federal taxes withheld from the employee's salary on behalf of such employee.

C. 52:18A-173 Deferred salary clearing fund.

11. The State Treasurer is hereby authorized to establish, on behalf of the board, a deferred salary clearing fund in the State Treasury in which shall be placed temporarily all compensation deferred and deducted in accordance with this act and the plan, and may establish such other funds within the Division of Investment as may be appropriate.

C. 52:18A-174 Authorization to transfer funds for certain employees to participate in plan.

12. Subject to the independent approval of the State Treasurer, the board may authorize the transfer of funds necessary to permit individuals employed at the College of Medicine and Dentistry of New Jersey, the New Jersey Institute of Technology, and Rutgers, The State University, to participate in the plan.

C. 52:18A-175 Plan additional to retirement or pension system.

13. The plan shall be in addition to and not a part of any retirement or pension system.

C. 52:18A-176 Portability.

14. The board, either in the plan or through separate rules and regulations, may allow for the portability of appropriate amounts of employees' credit from similar plans maintained by employees' previous employers to the plan and from the plan to similar plans maintained by other employers. Authorizations for portability arrangements will be subject to the requirements of the similar plans of other employers and the approval of the United States Internal Revenue Service.

C. 52:18A-177 Consistency of agreements with requirements of United States Internal Revenue Service.

15. No agreement may be entered into between the State and any employee for the deferral and deduction of any portion of current salary, pursuant to section 3 of this act, until the board determines that the plan and any related implementing rules and regulations are consistent with the requirements of the United States Internal Revenue Service.

16. This act shall take effect immediately.

Approved June 19, 1978.

CHAPTER 40

AN ACT concerning the taxation of banking corporations and financial business corporations, amending P. L. 1975, c. 170 and P. L. 1975, c. 171.

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

1. Section 4 of P. L. 1975, c. 170 (C. 54:10A–34) is amended to read as follows:

C. 54:10A-34 Annual franchise tax; payment procedures.

4. Every banking corporation shall pay an annual franchise tax in the year 1976 and each year thereafter, as provided in the Corporation Business Tax Act, P. L. 1945, c. 162 (C. 54:10A–1 et seq.) for the privilege of having or exercising its corporate franchise in this State, or for the privilege of doing business, employing or owning capital or property, or maintaining an office in this State. For the purposes of this act, (1) the privilege period of each banking corporation shall be the calendar year, and the initial privilege period shall be the calendar year ending December 31, 1976; (2) January 1, 1976 and January 1 of each year thereafter shall be the assessment dates; (3) the tax on income shall be based upon the income of the calendar year preceding the assessment date; (4) net worth shall be determined as of the December 31 preceding the assessment date; and (5) income of a banking corporation in any privilege period shall include the income of any banking corporation merged into or consolidated with such banking corporation in such privilege period. From and

after January 1, 1976, no banking corporation shall be subject to the provisions of R. S. 54:9–1 through 54:9–18 and section 13 of P. L. 1970, c. 8 (C. 54:9–19) but shall, to the extent and in the manner provided by this act, become and be subject to the provisions of the Corporation Business Tax Act and the Business Personal Property Tax Act, P. L. 1966, c. 136 (C. 54:11A–1 et seq.). To effect the transition from taxation under R. S. 54:9–1 through 54:9–18 and section 13 of P. L. 1970, c. 8, to taxation under the Corporation Business Tax Act, every banking corporation shall, within 90 days after the effective date of this act, but not later than December 1, 1975, pay to the State a sum equal to 60% of the amount of the tax that would have been due from such banking corporation had it been subject to taxation under the Corporation Business Tax Act during the calendar year ending December 31, 1974. Thereafter, as provided by the Corporation Business Tax Act, each banking corporation shall, on or before April 15 of each privilege period, commencing with the privilege period beginning January 1, 1976, file a tax return and pay the full amount of the tax determined to be due for the then current privilege period, and shall, in addition, pay a sum equal to 60% of the full amount of the tax due for such privilege period as an advance partial payment against the tax determined to be due for the next succeeding privilege period. Each such banking corporation shall, in the final calculation of the tax determined to be due from it for the 1976 privilege period, receive a credit for the 60% payment made by it on or before December 1, 1975 pursuant to this section, and thereafter, each banking corporation shall, in the final calculation of the tax determined to be due from it for any subsequent privilege period, receive credit for the advance partial payment made by it in the next preceding privilege year. No banking corporation shall, in calculating its income for any of the purposes of taxation under the Corporation Business Tax Act deduct from its income the amount of any tax paid pursuant to R. S. 54:9–1 through 54:9–18 and section 13 of P. L. 1970, c. 8 (C. 54:9–19). Any excess payment made in any privilege year shall be returned as provided in section 15 of the Corporation Business Tax Act (C. 54:10A–15). Notwithstanding anything contained in this act to the contrary, during each of the privilege years 1976, 1977, 1978 and 1979, the amount to be paid by each banking corporation as taxes under this act shall be the greater of (1) the amount which such banking corporation paid in the calendar year 1975 as taxes pursuant to R. S. 54:9–1 through 54:9–18 and section 13 of P. L. 1970, c. 8 or (2)

a sum equal to the total of the taxes paid by such banking corporation pursuant to this section and section 5 of this act. In any case where the corporate existence of a banking corporation transacting business on the effective date of this act terminates during a privilege period by voluntary or involuntary dissolution, or by merger or consolidation, or otherwise, such banking corporation shall be liable for the payment of taxes under this section for the full privilege period in which such termination takes place.

2. Section 10 of P. L. 1975, c. 171 (C. 54:10A–40) is amended to read as follows:

C. 54:10A-40 Amount of taxes to be paid.

10. During each of the years 1976, 1977, 1978 and 1979, each financial business corporation shall pay as taxes under the provisions of the act to which this act is a supplement, the greater of a sum equal to the amount such financial business corporation paid pursuant to the "Financial Business Tax Law" P. L. 1946, c. 174 (C. 54:10B–1, et seq.) in the calendar year 1975, or a sum equal to the total of the taxes payable by such financial business corporation pursuant to the "Corporation Business Tax Act," P. L. 1945, c. 162 (C. 54:10A–1 et seq.).

3. This act shall take effect immediately.

Approved June 19, 1978.

CHAPTER 41

AN ACT to establish job transportation demonstration projects in the various counties to be administered by the Commissioner of Labor and Industry.

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

C. 34:1A-70 Legislature's findings and declaration of policy.

1. The Legislature hereby finds and declares that it is not in the public interest for any citizens of this State to be unemployed solely because of an inability to reach a place of potential employment. Lack of transportation to job sites in New Jersey is a barrier to employment for many people as evidenced by a Department of Labor and Industry study in June of 1977 indicating that 23% of unemployed workers surveyed could not be placed in jobs princi-

pally because they could not reach one or more specific places of employment. This problem will be compounded to a greater degree in the future as employers continue to relocate outside of urban centers, thus becoming relatively more inaccessible to inner city workers who lack transportation.

C. 34:1A-71 Short title.

2. This act shall be known and may be cited as the "Jobs Transportation Demonstration Act of 1978."

C. 34:1A-72 Authorization of projects.

3. The Commissioner of the Department of Labor and Industry is hereby authorized to develop and administer a program to provide funds for demonstration projects to transport persons to job sites, job interviews, and job training to which persons would otherwise have no available transportation. Such projects may be authorized on an intra- or inter-county basis, or at the State level, as the commissioner deems feasible and desirable.

C. 34:1A-73 Standards for allocation of funds.

4. The commissioner shall establish standards for the allocation of funds pursuant to this act which standards shall:

a. Be responsive to areas of high unemployment;

b. Guarantee that each applicant for a grant receive funds sufficient to operate at least one demonstration vehicle; and

c. Reflect optimal service-delivery regions, be they intra- or inter-county in nature.

C. 34:1A-74 Demonstration projects.

5. Demonstration projects funded under this act shall be limited to three basic intra-State services as follows:

a. Transporting persons from employment service centers, or other centralized sites to employment interviews;

b. Transporting persons to places of employment for a maximum period of 10 weeks during which time said persons shall attempt to arrange for their own transportation; provided, however, that the commissioner may provide flexible standards for extending the 10-week limitation in cases of need; and

c. Transporting unemployed workers to job training programs.

C. 34:1A-75 Rules and regulations.

6. The commissioner shall promulgate rules and regulations deemed necessary and proper to administer the act.

7. This act shall take effect 90 days after enactment.

Approved June 19, 1978.

CHAPTER 42

AN ACT concerning the employment by local boards of education or county boards of vocational education of specially trained individuals to teach or administer degree or certificate post-secondary courses and supplementing Title 18A of the New Jersey Statutes.

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

C. 18A:27-2.1 Employment of instructor or administrator; waiver of certification requirements.

1. A local board of education or county board of vocational education may, upon approval by the State Board of Education, employ as an instructor or administrator an individual who has special training in a particular subject matter field as evidenced by appropriate credentials or licensure and waive the certification requirements generally required of employees of such boards when the individual will be exclusively teaching or administering post-secondary degree or certificate courses and programs authorized under section 7 of P. L. 1968, c. 180 (C. 18A:64B-11). Nothing contained herein shall diminish or otherwise affect the eligibility of any such instructor or administrator for tenure under any provision of this Title.

2. This act shall take effect immediately.

Approved June 19, 1978.

CHAPTER 43

AN ACT to provide for the quarterly filing of withholding returns under the New Jersey Gross Income Tax under certain conditions and amending N. J. S. 54A:7-4.

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

1. N. J. S. 54A:7-4 is amended to read as follows:

Employer's return and payment of withheld taxes.

54A:7-4. 4. Employer's return and payment of withheld taxes

(a) General.—Every employer required to deduct and withhold tax under this act shall, for each calendar month, on or before the fifteenth day of the month following the close of such calendar month, file a withholding return as prescribed by the director and pay over to the director or to a depository designated by the director the taxes so required to be deducted and withheld. Where the aggregate amount required to be deducted and withheld by any employer is less than $25.00 in a calendar month and the aggregate for the semiannual period ending on June 30 and December 31 can reasonably be expected to be less than $150.00, the director may by regulation permit an employer to file a return on or before July 31 for the semiannual period ending on June 30 and on or before January 31 for the semiannual period ending on December 31. Where the aggregate amount to be deducted and withheld by any employer is $200.00 or less in each month of a calendar quarter and where the total amount to be deducted and withheld in said calendar quarter can reasonably be expected to be less than $600.00, the director may by regulation permit an employer to file quarterly returns on or before the fifteenth day of the month following the close of a calendar quarter. If in any such month during a calendar quarter the amount to be deducted and withheld exceeds $200.00, the employer shall, on or before the fifteenth day of the month following the close of such month, file a withholding return as prescribed by the director and pay over to the director or to a depository designated by the director all the taxes so required to be deducted and withheld for all of said month or months during said calendar quarter. This section shall not be applicable to businesses operating seasonally. Any return due with respect to the last quarter of a calendar year shall be filed and the amount of the withholding shall be paid on or before January 31 next following. The director may, if he believes such action necessary for the protection of the revenues, require any employer to make such return and pay to him the tax deducted and withheld at any time, or from time to time. Where the amount of wages paid by an employer is not sufficient under this act to require the withholding of tax from the wages of any of his employees, the director may, by regulation, permit such employer to file an annual return on or before February 28 of the following calendar year.

The director may, by regulation, require the filing and payment of withholding returns and taxes on a semimonthly or more fre-

quent basis where he deems such action in the best interest of the State.

(b) Deposit in trust for director.—Whenever any employer fails to collect, truthfully account for, pay over the tax, or make returns of the tax as required in this section, the director may serve a notice requiring such employer to collect the taxes which become collectible after service of such notice, to deposit such taxes in a bank approved by the director in a separate account, in trust for and payable to the State of New Jersey and to keep the amount of such tax in such account until payment over to the director. Such notice shall remain in effect until a notice of cancellation is served by the director.

2. This act shall take effect October 1, 1978.

Approved June 19, 1978.

CHAPTER 44

AN ACT concerning meadowlands title studies and surveys, and amending section 92 of P. L. 1968, c. 404 (C. 13:1B–13.6).

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

1. Section 92 of P. L. 1968, c. 404 (C. 13:1B–13.6) is amended to read as follows:

C. 13:1B-13.6 Annual progress reports; deadline for completion of studies and title surveys.

92. The council shall make progress reports to the Governor and Legislature at least annually and shall complete its studies and title surveys and make its determinations as to interest of the State in meadowlands throughout the State on or before December 31, 1980.

2. This act shall take effect immediately.

Approved June 19, 1978.

CHAPTER 45

AN 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, 1978, and regulating the disbursement thereof," approved June 30, 1977 (P. L. 1977, c. 137).

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

1. Notwithstanding the provisions of P. L. 1976, c. 67 (C. 52:9H–5 et seq.) there is hereby appropriated out of the General Treasury, the following:

DEPARTMENT OF THE TREASURY

71300. Tax and Revenue Administration

71340-255-490.	Administration of Casino Gambling	$220,000
Extraordinary:		
Expenses of the Commission	($220,000)	
Total Supplemental Appropriation		$220,000

2. The sums hereinabove appropriated shall be repaid to the General State Fund from the first proceeds received in the Casino Control Fund during the first 6 years of its operation.

3. This act shall take effect immediately.

Approved June 19, 1978.

CHAPTER 46

AN ACT concerning education and amending N. J. S. 18A:46–8.

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

1. N. J. S. 18A:46–8 is amended to read as follows:

Examination and classification of children; report to parent or guardian.

18A:46–8. Each board of education shall provide for the examination and classification of each child residing in the district and

identified pursuant to N. J. S. 18A:46–6. Such examination and classification shall be accomplished according to procedures, prescribed by the commissioner and approved by the State board, under one of the following categories: mentally retarded, visually handicapped, auditorily handicapped, communication handicapped, neurologically or perceptually impaired, orthopedically handicapped, chronically ill, emotionally disturbed, socially maladjusted or multiple handicapped. The examination and classification of such nonpublic school children shall be in a location determined by the local board of education and approved by the commissioner pursuant to rules and regulations promulgated by the State board.

The classification of communication handicapped shall be made by the basic child study team and an approved speech correctionist or speech pathologist without child study consultation. Such children shall be reported to the basic child study team.

The proposed classification shall be reported to the parent or guardian of the child and an opportunity provided, prior to implementation of the classification, for consultation by such parent or guardian with the appropriate special educational services personnel of the district. Pursuant to rules of the State board, the parent or guardian shall also be provided an opportunity for further review of the classification in the Department of Education.

2. This act shall take effect immediately.

Approved June 19, 1978.

CHAPTER 47

AN ACT to amend the "New Jersey Sports and Exposition Authority Law," approved May 10, 1971 (P. L. 1971, c. 137).

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

1. Section 6 of P. L. 1971, c. 137 (5:10–6) is amended to read as follows:

C. 5:10-6 Authorization to develop, construct and operate certain facilities; application of revenues.

6. a. The authority, pursuant to the provisions of the act, is hereby authorized and empowered to establish, develop, construct, operate, maintain, improve and otherwise effectuate a project to

be located in the Hackensack meadowlands upon a site not to exceed 750 acres consisting of one or more stadiums, coliseums, arenas, pavilions, stands, field houses, playing fields, recreation centers, courts, gymnasiums, club houses, a race track for the holding of horse race meetings, and other buildings, structures, facilities, properties and appurtenances incidental and necessary to a complex suitable for the holding of athletic contests or other sporting events, or trade shows, exhibitions, spectacles, public meetings or other expositions, and such project may include driveways, roads, approaches, parking areas, parks, recreation areas, food vending facilities, restaurants, transportation structures, systems and facilities, and equipment, furnishings, and all other structures and appurtenant facilities related to, necessary for, or complementary to the purposes of the project or any facility thereof. As part of the project the authority is empowered to make capital contributions to others for transportation and other facilities, and accommodations for the public using the project. Any part of the project site not occupied or to be occupied by facilities of the project may be leased by the authority for purposes determined by the authority to be consistent with or related to the purposes of the project, including but not limited to hotels and other accommodations for transients and other facilities related or incidental to the project.

b. Revenues, moneys or other funds, if any, derived from the operation or ownership of the meadowlands complex, including the conduct of horse race meetings, shall be applied in accordance with the resolution or resolutions authorizing or relating to the issuance of bonds or notes of the authority to the following purposes and in the following order:

(1) The costs of operation and maintenance of the meadowlands complex and reserves therefor;

(2) Principal, sinking fund installments and redemption premiums of and interest on any bonds or notes of the authority issued for the purposes of the meadowlands complex or for the purpose of refunding the same, including reserves therefor;

(3) The costs of any major or extraordinary repairs, renewals or replacements with respect to the meadowlands complex or incidental improvements thereto not paid pursuant to paragraph (1) above, including reserves therefor;

(4) Payments required to be made pursuant to section 18b;

(5) Payments authorized to be made pursuant to section 18c;

(6) The balance remaining after application in accordance with the above shall be deposited in the General State Fund, provided that (a) there shall be appropriated for authorized State purposes from the amounts so deposited that amount which shall be calculated by the State Treasurer to be the debt service savings realized with respect to the refinancing of the initial project as defined in P. L. 1973, c. 286, § 1 (C. 5:10–14.1) at the meadowlands complex by the issuance of bonds of the authority guaranteed by the State, and (b) after such appropriation, 40% of any balance remaining from the amounts so deposited shall be appropriated to the Meadowlands Commission for any of its purposes authorized by P. L. 1968, c. 404, and any amendments or supplements thereto.

2. Section 10 of P. L. 1971, c. 137 (5:10–10) is amended to read as follows:

C. 5:10-10 Issuance of bonds or notes.

10a. The authority shall have the power and is hereby authorized from time to time to issue its bonds or notes in such principal amounts as in the opinion of the authority shall be necessary to provide sufficient funds for any of its corporate purposes, including the payment, funding or refunding of the principal of, or interest or redemption premiums on, any bonds or notes issued by it whether the bonds or notes or interest to be funded or refunded have or have not become due, the establishment or increase of such reserves to secure or to pay such bonds or notes or interest thereon and all other costs or expenses of the agency incident to and necessary to carry out its corporate purposes and powers.

b. Except as may be otherwise expressly provided in the act or by the authority, every issue of bonds or notes shall be general obligations payable out of any revenues or funds of the authority, subject only to any agreements with the holders of particular bonds or notes pledging any particular revenues or funds. The authority may issue such types or bonds or notes as it may determine, including (without limiting the generality of the foregoing) bonds or notes as to which the principal and interest are payable (1) exclusively from the revenues and receipts of the part of the project financed with the proceeds of such bonds or notes; (2) exclusively from the revenues and receipts of certain designated parts of the project whether or not the same are financed in whole or in part from the proceeds of such bonds or notes; or (3) from its revenues and receipts generally. Any such bonds or notes may be additionally secured by a pledge of any grant, subsidy or contribution from the

United States of America or any agency or instrumentality thereof or the State or any agency, instrumentality or political subdivision thereof, or any person, firm or corporation, or a pledge of any income or revenues, funds or moneys of the authority from any source whatsoever.

c. Whether or not the bonds and notes are of such form and character as to be negotiable instruments under the terms of Title 12A, Commercial Transactions, New Jersey Statutes, the bonds and notes are hereby made negotiable instruments within the meaning of and for all the purposes of said Title 12A, subject only to the provisions of the bonds and notes for registration.

d. Bonds or notes of the authority shall be authorized by a resolution or resolutions of the authority and may be issued in one or more series and shall bear such date, or dates, mature at such time or times, bear interest at such rate or rates of interest per annum, be in such denomination or denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable from such sources in such medium of payment at such place or places within or without the State, and be subject to such terms of redemption (with or without premium) as such resolution or resolutions may provide.

e. Bonds or notes of the authority may be sold at public or private sale at such price or prices and in such manner as the authority shall determine. Except for any bonds of the authority which may hereafter be guaranteed by the State within the limitations of Section II of Article VIII of the Constitution, every bond shall mature and be paid not later than 40 years from the date thereof.

f. Except as otherwise provided by any law authorizing the guaranty by the State of bonds of the authority hereafter submitted to the people pursuant to Section II of Article VIII of the Constitution and approved by a majority of the legally qualified voters of the State voting thereon, bonds or notes may be issued under the provisions of the act without obtaining the consent of any department, division, commission, board, bureau or agency of the State, and without any other proceeding or the happening of any other conditions or other things than those proceedings, conditions or things which are specifically required by the act.

g. Except at otherwise provided by any law authorizing the guaranty of the State of bonds of the authority hereafter submitted to the people pursuant to Section II of Article VIII of the

Constitution and approved by a majority of the legally qualified voters of the State voting thereon, bonds and notes of the authority issued under the provisions of the act shall not be in any way a debt or liability of the State or of any political subdivision thereof other than the authority and shall not create or constitute any indebtedness, liability or obligation of the State or of any such political subdivision or be or constitute a pledge of the faith and credit of the State or of any such political subdivision but all such bonds and notes, unless funded or refunded by bonds or notes of the authority, shall be payable solely from revenues or funds pledged or available for their payment as authorized in the act. Except for bonds of the authority which may hereafter be guaranteed by the State, each bond and note shall contain on its face a statement to the effect that the authority is obligated to pay the principal thereof or the interest thereon only from revenues or funds of the authority and that neither the State nor any political subdivision thereof is obligated to pay such principal or interest and that neither the faith and credit nor the taxing power of the State or any political subdivision thereof is pledged to the payment of the principal of or the interest on such bonds or notes.

h. All expenses incurred in carrying out the provisions of the act shall be payable solely from revenues or funds provided or to be provided under the provisions of the act and nothing in the act shall be construed to authorize the authority to incur any indebtedness or liability on behalf of or payable by the State or any political subdivision thereof except as otherwise provided by any law authorizing the guaranty of the State of any bonds of the authority hereafter submitted to the people pursuant to Section II of Article VIII of the Constitution and approved by a majority of the legally qualified voters of the State voting thereon.

3. This act shall take effect immediately.

Approved June 19, 1978.

CHAPTER 48

AN ACT authorizing the creation of a liability of the State for the guaranty of not exceeding $317,000,000.00 principal amount of bonds of the New Jersey Sports and Exposition Authority, to be issued for the refinancing of bonds issued by said authority to finance or refinance the acquisition and construction of the initial project at the sports complex in the Hackensack meadowlands; providing the ways and means to perform and discharge such guaranty of the payment of the principal of and interest on the bonds so guaranteed; providing for the submission of this law to the people at a general election; and providing for an appropriation therefor.

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

1. This act shall be known and may be cited as the "New Jersey Sports and Exposition Authority Refunding Bond Guaranty Act."

2. The Legislature hereby finds that:

a. The New Jersey Sports and Exposition Authority has issued and there is presently outstanding $317,015,000.00 principal amount of its sports complex bonds at a composite average interest cost of approximately 7.50% issued to finance the cost of acquisition and construction of the initial project at the sports complex in the Hackensack meadowlands, consisting of a football stadium, racetrack and related facilities.

b. Pursuant to P. L. 1973, c. 286 (C. 5:10–14.1 et seq.), said outstanding bonds of the authority are payable from the revenues of the sports complex and backed by the moral pledge of the State pursuant to which such bonds are secured by a debt service reserve fund into which there is to be appropriated by the State and paid to the authority for deposit therein such sum, if any, as shall be certified by the chairman of the authority to the Governor as necessary to restore such reserve fund to an amount equal to the maximum annual debt service with respect to said bonds.

c. Under the "New Jersey Sports and Exposition Authority Law," P. L. 1971, c. 137 (C. 5:10–1 et seq.), as amended and supplemented, there is to be paid into the General State Fund the

balance of revenues, moneys or other funds derived from the operation or ownership of the sports complex remaining after application thereof to certain costs of the sports complex including operation and maintenance costs, debt service, costs of repairs, renewals, replacements and incidental improvements, payments in lieu-of-taxes, and reserves therefor.

d. By refinancing such outstanding bonds of the authority with proceeds from the sale of bonds of the authority which are guaranteed by the State pursuant to this act, a substantial interest cost savings can be realized with the result that the balance of revenues, moneys and other funds of the authority to be paid into the General State Fund is estimated to be substantially increased.

3. As used in this act:

a. "Authority" means the New Jersey Sports and Exposition Authority.

b. "Authority act" means the "New Jersey Sports and Exposition Authority Law," P. L. 1971, c. 137 (C. 5:10–1 et seq.), as amended and supplemented.

c. "Refinancing" means the provision of amounts required for the payment of the principal of, and interest and redemption premiums on, the outstanding sports complex bonds including the funding of amounts to replace balances in certain funds and accounts of the authority which shall have been set aside for such payment, and shall include expenses in connection therewith.

d. "Outstanding sports complex bonds" means, as of any date of calculation, the authority's $302,000,000.00 Sports Complex Bonds, 1974 Series and $15,015,000.00 Sports Complex Bonds, 1977 Series A issued to finance the initial project at the authority's sports complex in the Hackensack meadowlands, or any bonds or notes issued to refinance such bonds pursuant to this act which shall be outstanding in accordance with their terms at such date of calculation.

4. A liability of the State of New Jersey is hereby authorized for the guaranty of the punctual payment when due of the principal (including any sinking fund redemption price) of and interest on bonds of the authority, not exceeding $317,000,000.00 in aggregate principal amount, to be issued at one time or from time to time by the authority for the refinancing of the outstanding sports complex bonds. All money to be raised by issuance of bonds guaranteed pursuant to this act shall be applied only to refinancing the outstanding sports complex bonds. No bonds shall be guaranteed

pursuant to this act except bonds of the authority which mature within 35 years from their respective dates. Except as otherwise provided in this act, the bonds of the authority guaranteed pursuant to this act shall be authorized, sold and issued in accordance with the authority act.

5. Upon presentation by the authority to the State Treasurer of bonds of the authority duly authorized to be guaranteed pursuant to this act and conforming to the limitations expressed in section 4 of this act, together with a certificate consenting to the issuance of such bonds signed by the Governor, State Treasurer and Comptroller of the Treasury, or any two of such officials, the State Treasurer shall file such certificate in the office of the Secretary of State, together with a record of the amounts and other description of the terms of such bonds. Upon such filing of said certificate and record, the punctual payment when due of the principal (including any sinking fund redemption price) of an interest on such bonds of the authority shall be, and the same hereby is, unconditionally guaranteed by this State and the full faith and credit of the State is hereby pledged to the payment of such guaranty. Such guaranty shall be expressed or endorsed upon such bonds of the authority by the facsimile signature of the State Treasurer or of any person in the Department of the Treasury appointed by him for that purpose. Such guaranty shall be valid notwithstanding that the official whose facsimile signature appears thereon shall cease to hold office at the time of issuance of such bonds or at the time of the delivery of such bonds to the purchasers thereof.

6. The Governor, the State Treasurer and the Comptroller of the Treasury, or any two of such officials, are hereby authorized at any time and from time to time to authorize the execution of a guaranty in the manner provided in this act of the punctual payment when due of the principal (including any sinking fund redemption price) of and interest on refunding bonds of the authority issued for the purpose of refinancing in whole or in part a principal amount of outstanding bonds guaranteed by the State pursuant to this act, and such refunding bonds may be issued on or prior to the redemption date of the bonds being refunded. A liability of the State is hereby authorized for such guaranty, provided that such refunding bonds shall mature at such time or times not later than the latest maturity date of the bonds to be refunded, that the principal amount of such refunding bonds shall not be greater than the principal amount of the bonds being

refunded, and that the aggregate amount of interest to be paid on such refunding bonds, plus the premium, if any, to be paid on the bonds refunded, shall be less than the aggregate amount of interest which would be paid on the bonds refunded if such bonds were not so refunded. The proceeds received from the sale of such refunding bonds shall be held in trust and applied to the refinancing of the bonds refunded thereby in accordance with their terms. Refunding bonds so guaranteed shall be entitled to all the benefits of this act and subject to all its limitations except to the extent herein otherwise expressly provided.

7. To provide ways and means, exclusive of loans, to perform and discharge the guaranty made under this act and provide funds to pay the principal (including any sinking fund redemption price) of and interest on the bonds guaranteed pursuant to this act there is hereby appropriated in the following order:

a. Revenues from the collection of taxes as provided by the "Sales and Use Tax Act" P. L. 1966, c. 30 (C. 54:32B–1 et seq.), as amended and supplemented, or so much thereof as may be required for such purposes; and

b. If in any year or at any time funds, as hereinabove appropriated, necessary to pay the principal (including any sinking fund redemption price) of and interest on outstanding bonds of the authority guaranteed pursuant to this act, be insufficient or not available, then and in that case there shall be assessed, levied and collected annually in each of the municipalities of the counties of this State a tax on real and personal property upon which municipal taxes are or shall be assessed, levied and collected, sufficient to pay when due the interest on all outstanding bonds of the authority guaranteed pursuant to this act and such bonds of the authority as are proposed to be so guaranteed in the calendar year in which such tax is to be raised and for the payment of such bonds falling due in the year following the year for which the tax is levied. The tax thus imposed shall be assessed, levied and collected in the same manner and at the same time as other taxes upon real and personal property are assessed, levied and collected. The governing body of each municipality shall cause to be paid to the county treasurer of the county in which such municipality is located, on or before December 15 in each year, the amount of tax herein directed to be assessed and levied, and the county treasurer, shall pay the amount of said tax to the State Treasurer on or before December 20 in each year.

If on or before December 31 in any year, the Governor, the State Treasurer and the Comptroller of the Treasury, or any two of such officials shall determine that there are moneys in the General State Fund, beyond the needs of the State sufficient to pay the principal (including any sinking fund redemption price) of and interest on any outstanding bonds of the authority guaranteed pursuant to this act due during the ensuing calendar year, then and in that event the Governor, the State Treasurer and the Comptroller of the Treasury, or any two of such officials, shall, if there is determined to be a deficiency in available revenues and receipts of the authority or a failure of the authority to pay when due principal (including any sinking fund redemption price) or interest with respect to any bonds guaranteed pursuant to this act, by resolution so find and shall file the same in the office of the State Treasurer, whereupon the State Treasurer shall forthwith set aside such moneys in the necessary amount in a separate fund to be designated by him, and shall, if and to the extent necessary, pay such principal of and interest on such bonds out of said fund as the same become due and payable, and the other sources of payment thereof provided for in this section shall not then be available, and the receipts for said year from the tax specified in subsection b. of this section shall thereupon be considered and treated as part of the General State Fund available for general purposes. If at any time it shall be determined that the amounts so set aside shall not be necessary to make payments pursuant to the guaranty authorized by this act, such amounts shall be released for use by the State Treasurer for other authorized State purposes.

The chairman of the authority shall on or before December 15 of each year and on or before 60 days prior to each interest payment date for bonds guaranteed pursuant to this act, and on such other date as he shall determine, file with the State Treasurer his certificate estimating the revenues and receipts of the authority from its sports complex during the next succeeding 12-month period which will be available to pay the principal (including any sinking fund redemption price) of and interest on the bonds of the authority guaranteed pursuant to this act. If upon receipt of such certificate of the authority, the State Treasurer shall determine that there will be a deficiency in such revenues and receipts available for such purpose then the State Treasurer shall set aside and retain in a special fund from the funds appropriated pursuant to this section or other funds legally available therefor such amounts as will equal such deficiency. The State Treasurer shall hold and

use all amounts in said separate fund, if and to the extent necessary, solely to make payments pursuant to the guaranty authorized by this act. If at any time it shall be determined that the amounts so set aside shall not be necessary to make payments pursuant to the guaranty authorized by this act, such amounts shall be released for use by the State Treasurer for other authorized State purposes.

In the event that the authority shall fail to pay, when due, the principal (including any sinking fund redemption price) of or interest on any bond guaranteed pursuant to this act, the State Treasurer shall pay the same to the holder thereof out of the funds set aside or appropriated pursuant to this act and any other funds legally available therefor and thereupon the State shall be subrogated to the rights of the holder so paid.

8. Should the State Treasurer, by December 31 of any year, deem it necessary, because of insufficiency of funds to be collected from the sources of revenues as hereinabove provided, to pay the principal (including any sinking fund redemption price) of and interest on the bonds of the authority guaranteed pursuant to this act in the year after the ensuing year, then the State Treasurer shall certify to the Comptroller of the Treasury the amount necessary to be raised by taxation for such purposes, the same to be assessed, levied and collected for and in the ensuing calendar year. In such case the Comptroller of the Treasury shall, on or before March 1 following, calculate the amount in dollars to be assessed, levied and collected as herein set forth in each county. Such calculation shall be based upon the corrected assessed valuation of such county for the year preceding the year in which such tax is to be assessed, but such tax shall be assessed, levied and collected upon the assessed valuation of the year in which the tax is assessed and levied. The Comptroller of the Treasury shall certify said amount to the county board of taxation and the county treasurer of each county. The said county board of taxation shall include the proper amount in the current tax levy of the several taxing districts of the county in proportion to the ratables as ascertained for the current year.

9. The Governor, the State Treasurer and the Comptroller of the Treasury, or any two of such officials are hereby authorized to carry out the provisions of this act relating to the guaranty of bonds of the authority, and shall determine all matters in connection therewith subject to provisions hereof. In case any of said officials shall be absent from the State or incapable of acting for

any reason, his powers and duties shall be exercised and performed by such person as shall be authorized by law to act in his place as a State official.

10. Upon the written consent of the Governor, the State Treasurer and the Comptroller of the Treasury, or any two of such officials, and upon adoption of a resolution by the authority finding and determining that the authority will have adequate means to meet its obligations to the holders of outstanding bonds guaranteed pursuant to this act, the authority may issue bonds secured by a lien on and pledge of receipts and revenues of the authority derived from the ownership and operation of its sports complex in the Hackensack meadowlands ranking prior to the lien on and pledge of such receipts and revenues securing bonds guaranteed pursuant to this act, provided that such prior lien bonds are issued to finance costs of acquisition and construction, including completion, of any facilities located or to be located at the site of said sports complex or to refund any bonds issued for such purposes, including any part of the outstanding sports complex bonds.

11. For the purpose of complying with the provisions of the Constitution, this act shall, at the general election to be held in the month of November, 1978, be submitted to the people. In order to inform the people of the contents of this act it shall be the duty of the Secretary of State, after this section shall take effect, and at least 15 days prior to the said election to cause this act to be published in at least 10 newspapers published in the State and to notify the clerk of each county of this State of the passage of this act, and the said clerks respectively, in accordance with the instructions of the Secretary of State, shall cause to be printed on each of the said ballots, the following:

If you approve the act entitled below, make a cross (×), plus (+), or check (√) mark in the square opposite the word "Yes."

If you disapprove the act entitled below, make a cross (×), plus (+), or check (√) mark in the space opposite the word "No."

If voting machines are used a vote of "Yes" or "No" shall be equivalent to such markings respectively.

	Yes.	NEW JERSEY SPORTS AND EXPOSITION AUTHORITY REFUNDING BOND GUARANTY ACT Should the "New Jersey Sports and Exposition Authority Refunding Bond Guaranty Act" which authorizes the State to guaranty not exceeding $317,000,000.00 principal amount of bonds of the New Jersey Sports and Exposition Authority to be issued to refinance bonds of the authority issued for the sports complex in the Hackensack meadowlands; providing the ways and means to perform and discharge such guaranty of the payment of the principal of and interest on such bonds so guaranteed, be approved? INTERPRETIVE STATEMENT Approval of this act would authorize the State to guaranty up to $317,000,000.00 in bonds of the New Jersey Sports and Exposition Authority to refinance the initial sports complex project in the Hackensack meadowlands. Such a refinancing would result in substantial interest cost savings, increasing surplus earnings which the authority transfers annually to the State Treasury.
	No.	

The fact and date of the approval or passage of this act, as the case may be, may be inserted in the appropriate place after the title in said ballot. No other requirements of law of any kind or character as to notice or procedure except as herein provided need to be adhered to.

The said votes so cast, for and against the approval of this act by ballot or voting machine, shall be counted and the result thereof returned by the election officer, and a canvass of such election had in the same manner as is provided for by law in the case of the election of a Governor, and the approval or disapproval of this

act so determined shall be declared in the same manner as the result of an election for Governor, and if there shall be a majority of all the votes cast for and against it at such election in favor of the approval of this act, then all the provisions of this act not made effective theretofore shall take effect forthwith.

12. There is hereby appropriated the sum of $5,000.00 to the Department of State for expenses in connection with the publication of notices pursuant to section 11 of this act.

13. This section and sections 11 and 12 of this act shall take effect immediately and the remainder of the act shall take effect when approved by a majority of the votes cast in the general election provided in section 11 of this act.

Approved June 19, 1978.

CHAPTER 49

AN ACT to amend "An act temporarily suspending the statutory maximum rate of interest limitations applicable to borrowings by counties, municipalities, school and other districts, State agencies and other public authorities and agencies," approved July 3, 1969 (P. L. 1969, c. 137), as said title was amended by P. L. 1970, c. 49.

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

1. Section 1 of P. L. 1969, c. 137 (C. 31:1–7) is amended to read as follows:

C. 31:1-7 Interest rate payable by governmental agencies.

1. Notwithstanding the provisions of any other law, statute or regulation applicable to or constituting any limitation on the maximum rate of interest per annum payable on bonds, notes or other obligations, or as to annual interest cost to maturity of money borrowed or received upon issuance of bonds, notes or other obligations, every county, municipality, school district, body corporate and politic, district or public authority, agency, commission or other public institution heretofore or hereafter created by the State, any county, or muncipality or by one or more counties

or municipalities, is hereby authorized and empowered for the period from the effective date of this act through June 30, 1981 to contract to pay interest on or an interest cost per annum for money borrowed and evidenced by bonds, notes or other obligations without limit as to the rate of interest per annum payable thereon or as to the annual interest cost to maturity of the money borrowed.

2. This act shall take effect immediately.

Approved June 19, 1978.

CHAPTER 50

AN ACT to validate certain proceedings for the issuance of bonds of municipalities and any bonds or other obligations issued or to be issued in pursuance of such proceedings.

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

Validating act.

1. All proceedings heretofore had or taken by any municipality or by any officials thereof for or in connection with the authorization or issuance of bonds or notes of the municipality pursuant to the Local Bond Law (N. J. S. 40A:2–1 to 40A:2–64, inclusive) and any ordinance with respect to such bonds or notes heretofore adopted and any bonds or notes of the municipality issued or to be issued in pursuance of such proceedings or ordinance, are hereby ratified, validated and confirmed notwithstanding that a supplemental debt statement was not prepared and filed as required by the provisions of N. J. S. 40A:2–10; provided, however, that no action, suit or other proceeding of any nature to contest the validity of such proceedings has heretofore been instituted prior to the date on which this act takes effect and within the time fixed therefor by or pursuant to law or rule of court, or when such time has not heretofore expired, is instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved June 20, 1978.

CHAPTER 51

AN ACT to amend the "New Jersey Wiretapping and Electronic Surveillance Control Act," approved January 14, 1969 (P. L. 1968, c. 409).

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

1. Section 2 of P. L. 1968, c. 409 (C. 2A:156A-2) is amended to read as follows:

C. 2A:156A-2 Definitions.

2. As used in this act:

a. "Wire communication" means any communication made in whole or in part through the use of facilities for the transmission of communications by wire, cable or other like connection between the point of origin and the point of reception furnished or operated by a telephone, telegraph or radio company for hire as a communication common carrier;

b. "Oral communication" means any oral communication uttered by a person exhibiting an expectation that such communication is not subject to interception under circumstances justifying such expectation;

c. "Intercept" means the aural acquisition of the contents of any wire or oral communication through the use of any electronic, mechanical, or other device;

d. "Intercepting device" means any device or apparatus, including an induction coil, that can be used to intercept a wire or oral communication other than

(1) Any telephone or telegraph instrument, equipment or facility, or any component thereof, furnished to the subscriber or user by a communication common carrier in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business; or being used by a communication common carrier in the ordinary course of its business, or by an investigative or law enforcement officer in the ordinary course of his duties; or

(2) A hearing aid or similar device being used to correct subnormal hearing to not better than normal;

e. "Person" means that term as defined in R. S. 1:1-2 and includes any officer or employee of the State or of a political subdivision thereof;

f. "Investigative or law enforcement officer" means any officer of the State of New Jersey or of a political subdivision thereof who is empowered by law to conduct investigations of, or to make arrests for, any offense enumerated in section 8 of this act and any attorney authorized by law to prosecute or participate in the prosecution of any such offense;

g. "Contents," when used with respect to any wire or oral communication, includes any information concerning the identity of the parties to such communication or the existence, substance, purport, or meaning of that communication;

h. "Court of competent jurisdiction" means the Superior Court;

i. "Judge," when referring to a judge authorized to receive applications for, and to enter, orders authorizing interceptions of wire or oral communications, means one of the several judges of the Superior Court to be designated from time to time by the Chief Justice of the Supreme Court to receive applications for, and to enter, orders authorizing interceptions of wire or oral communications pursuant to this act;

j. "Communication common carrier" means any person engaged as a common carrier for hire, in intrastate, interstate or foreign communication by wire or radio or in intrastate, interstate or foreign radio transmission of energy; but a person engaged in radio broadcasting shall not, while so engaged, be deemed a common carrier;

k. "Aggrieved person" means a person who was a party to any intercepted wire or oral communication or a person against whom the interception was directed.

l. "In-progress trace" means the determination of the origin of a telephonic communication to a known telephone during an interception.

2. Section 4 of P. L. 1968, c. 409 (C. 2A:156A-4) is amended to read as follows:

C. 2A:156A-4 Lawful activities; exception.

4. It shall not be unlawful under this act for:

a. An operator of a switchboard, or an officer, agent or employee of a communication common carrier, whose facilities are used in the transmission of a wire communication, to intercept, disclose or use that communication in the normal course of his employment

while engaged in any activity which is a necessary incident to the rendition of his service or to the protection of the rights or property of the carrier of such communication. No communication common carrier shall utilize service observing or random monitoring except for mechanical or service quality control checks;

b. Any investigative or law enforcement officer to intercept a wire or oral communication, where such officer is a party to the communication or where another officer who is a party to the communication requests or requires him to make such interception;

c. Any person acting at the direction of an investigative or law enforcement officer to intercept a wire or oral communication, where such person is a party to the communication or one of the parties to the communication has given prior consent to such interception; provided, however, that no such interception shall be made unless the Attorney General or his designee or a county prosecutor within his authority determines that there exists a reasonable suspicion that evidence of criminal conduct will be derived from such interception; or

d. A person not acting under color of law to intercept a wire or oral communication, where such person is a party to the communication or one of the parties to the communication has given prior consent to such interception unless such communication is intercepted or used for the purpose of committing any criminal or tortious act in violation of the Constitution or laws of the United States or of this State or for the purpose of committing any other injurious act. The fact that such person is the subscriber to a particular telephone does not constitute consent effective to authorize interception of communications among parties not including such person on that telephone. Any person who unlawfully intercepts or uses such communication as provided in this paragraph shall be subject to the civil liability established in section 24 of this act (C. 2A:156A–24), in addition to any other criminal or civil liability imposed by law.

3. Section 8 of P. L. 1968, c. 409 (C. 2A:156A–8) is amended to read as follows:

C. 2A:156A-8 Authorization for an application for an order to intercept communications.

8. The Attorney General, a county prosecutor or with the approval of the Attorney General, except in those investigations directly involving possible misconduct by officials and employees of the Department of Law and Public Safety, the chairman of the State Commission of Investigation when authorized by a

majority of the members of that commission, or a person designated to act for such an official and to perform his duties in and during his actual absence or disability, may authorize, in writing, an ex parte application to a judge designated to receive the same for an order authorizing the interception of a wire or oral communication by the investigative or law enforcement officers or agency having responsibility for an investigation when such interception may provide evidence of the commission of the offense of murder, kidnapping, gambling, robbery, bribery, extortion, loansharking, mayhem, violations of section 19 of the "New Jersey Controlled Dangerous Substances Act," P. L. 1970, c. 226 (C. 24:21–19) except possession of 84 grams or less of marihuana, violations of sections 112 through 116, inclusive, of the "Casino Control Act," P. L. 1977, c. 110 (C. 5:12–112 through 116), arson, burglary, embezzlement, escape, forgery, receiving stolen property punishable by imprisonment for more than 1 year, alteration of motor vehicle identification numbers, or larceny punishable by imprisonment for more than 1 year, unlawful manufacture, purchase, use, or transfer of firearms, or unlawful possession or use of bombs or explosives, or any conspiracy to commit any of the foregoing offenses or which may provide evidence aiding in the apprehension of the perpetrator or perpetrators of any of the foregoing offenses.

4. Section 11 of P. L. 1968, c. 409 (C. 2A:156A–11) is amended to read as follows:

C. 2A:156A-11 Orders affecting public and certain private communication facilities; privileged communications.

11. If the facilities from which a wire communication is to be intercepted are public, no order shall be issued unless the court, in addition to the matters provided in section 10 above, determines that there is a special need to intercept wire communications over such facilities.

If the facilities from which, or the place where, the wire or oral communications are to be intercepted are being used, or are about to be used, or are leased to, listed in the name of, or commonly used by, a licensed physician, a licensed practicing psychologist, an attorney-at-law, a practicing clergyman, or a newspaperman, or is a place used primarily for habitation by a husband and wife, no order shall be issued unless the court, in addition to the matters provided in section 10 above, determines that there is a special need to intercept wire or oral communications over such facilities or in such places. Special need as used in this section shall require in

addition to the matters required by section 10 of this act, a showing that the licensed physician, licensed practicing psychologist, attorney-at-law, practicing clergyman or newspaperman is personally engaging in or was engaged in over a period of time as a part of a continuing criminal activity or is committing, has or had committed or is about to commit an offense as provided in section 8 of the act or that the public facilities or the place used primarily for habitation by a husband and wife are being regularly used by someone who is personally engaging in or was engaged in over a period of time as a part of a continuing criminal activity or is committing, has or had committed or is about to commit such an offense. No otherwise privileged wire or oral communication intercepted in accordance with, or in violation of, the provisions of this act, shall lose its privileged character.

5. Section 12 of P. L. 1968, c. 409 (C. 2A:156A–12) is amended to read as follows:

C. 2A:156A-12 Contents of order authorizing interception of communications.

12. Each order authorizing the interception of any wire or oral communication shall state:

a. The judge is authorized to issue the order;

b. The identity of, or a particular description of, the person, if known, whose communications are to be intercepted;

c. The character and location of the particular communication facilities as to which, or the particular place of the communication as to which, authority to intercept is granted;

d. A particular description of the type of the communication to be intercepted and a statement of the particular offense to which it relates;

e. The identity of the investigative or law enforcement officers or agency to whom the authority to intercept a wire or oral communication is given and the identity of whoever authorized the application; and

f. The period of time during which such interception is authorized, including a statement as to whether or not the interception shall automatically terminate when the described communication has been first obtained.

No order entered under this section shall authorize the interception of any wire or oral communication for a period of time in excess of that necessary under the circumstances. Every order entered under this section shall require that such interception begin and terminate as soon as practicable and be conducted in such a manner as to minimize or eliminate the interception of such com-

munications not otherwise subject to interception under this act by making reasonable efforts, whenever possible, to reduce the hours of interception authorized by said order. In no case shall an order entered under this section authorize the interception of wire or oral communications for any period exceeding 20 days. Extensions or renewals of such an order may be granted for two additional periods of not more than 10 days. No extension or renewal shall be granted unless an application for it is made in accordance with this section, and the court makes the findings required by sections 10, 11 and this section.

Whenever an order authorizing an interception is entered, the order may require reports to be made to the judge who issued the order showing what progress has been made toward achievement of the authorized objective and the need for continued interception. Such reports shall be made at such intervals as the court may require.

An order authorizing the interception of a wire or oral communication shall, upon request of the applicant, direct that a communication common carrier shall furnish the applicant forthwith all information, facilities and technical assistance necessary to accomplish the interception unobtrusively and with a minimum of interference with the services that such carrier is affording the person whose communications are to be intercepted.

The obligation of a communication common carrier under such an order may include but is not limited to conducting, for good cause shown, an in-progress trace during an interception provided, however, that a county prosecutor must receive the approval of the Attorney General or his designee prior to requesting an order which includes an in-progress trace. Any communication common carrier furnishing such facilities or technical assistance shall be compensated therefor by the applicant at the prevailing rates. Said carrier shall be immune from civil liability for any assistance rendered to the applicant pursuant to this section.

6. Section 16 of P. L. 1968, c. 409 (C. 2A:156A–16) is amended to read as follows:

C. 2A:156A-16 Service and contents of inventory.

16. Within a reasonable time but not later than 90 days after the termination of the period of the order or of extensions or renewals thereof, or the date of the denial of an order applied for under section 13, the issuing or denying judge shall cause to be served on the persons named in the order or application, persons arrested as

a result of the interception of their conversations, persons indicted as a result of the interception of their conversations, persons whose conversations were intercepted and against whom indictments are likely to be returned, persons whose conversations were intercepted and who are potential witnesses to criminal activities, and such other parties to the intercepted communications as the judge may in his discretion determine to be in the interest of justice, an inventory which shall include:

a. Notice of the entry of the order or the application for an order denied under section 13;

b. The date of the entry of the order or the denial of an order applied for under section 13;

c. The period of authorized or disapproved interception; and

d. The fact that during the period wire or oral communications were or were not intercepted.

The court, upon filing of a motion, may in its discretion make available to such persons or their attorneys for inspection such portions of the intercepted communications, applications and orders as the court determines to be in the interest of justice. On an ex parte showing of good cause to the court the serving of the inventories required by this section may be postponed.

7. Section 21 of P. L. 1968, c. 409 (C. 2A:156A–21) is amended to read as follows:

C. 2A:156A-21 Action to suppress contents of intercepted communications.

21. Any aggrieved person in any trial, hearing, or proceeding in or before any court or other authority of this State may move to suppress the contents of any intercepted wire or oral communication, or evidence derived therefrom, on the grounds that:

a. The communication was unlawfully intercepted;

b. The order of authorization is insufficient on its face;

c. The interception was not made in conformity with the order of authorization or in accordance with the requirements of section 12.

The motion shall be made at least 10 days before the trial, hearing, or proceeding unless there was no opportunity to make the motion or the moving party was not aware of the grounds for the motion. Motions by coindictees are to be heard in a single consolidated hearing.

The court, upon the filing of such motion by the aggrieved person, shall make available to the aggrieved person or his counsel for inspection such portions of the intercepted communication, or

evidence derived therefrom, as the court determines to be in the interests of justice. If the motion is granted, the entire contents of all intercepted wire or oral communications obtained during or after any interception which is determined to be in violation of this act under subsections a., b., or c. above, or evidence derived therefrom, shall not be received in evidence in the trial, hearing or proceeding.

In addition to any other right to appeal, the State shall have the right to appeal from an order granting a motion to suppress if the official to whom the order authorizing the intercept was granted shall certify to the court that the appeal is not taken for purposes of delay. The appeal shall be taken within the time specified by the Rules of Court and shall be diligently prosecuted.

8. Section 23 of P. L. 1968, c. 409 (C. 2A:156A–23) is amended to read as follows:

C. 2A:156A-23 Judges' annual reports; contents; annual reports by attorney general; contents; records of interceptions.

23. a. In addition to reports required to be made by applicants pursuant to Federal law, all judges of the Superior Court authorized to issue orders pursuant to this act shall make annual reports on the operation of this act to the Administrative Director of the Courts. The reports by the judges shall contain (1) the number of applications made; (2) the number of orders issued; (3) the effective periods of such orders; (4) the number and duration of any renewals thereof; (5) the crimes in connection with which the conversations were sought; (6) the names of the applicants; and (7) such other and further particulars as the Administrative Director of the Courts may require.

b. In addition to reports required to be made by applicants pursuant to Federal Law, the Attorney General shall make annual reports on the operation of this act to the Administrative Director of the Courts. The reports by the Attorney General shall contain (1) the number of applications made; (2) the number of orders issued; (3) the effective periods of such orders; (4) the number and duration of any renewals thereof; (5) the crimes in connection with which the conversations were sought; (6) the name of the applicants; (7) the number of indictments resulting from each application; (8) the crime or crimes which each indictment charges; and (9) the disposition of each indictment.

c. In addition to reports required to be made by applicants pursuant to Federal law, the Attorney General shall receive and maintain records of all interceptions authorized pursuant to section 4 b.

(C. 2A:156A–4) and shall include such information in his annual report to the Governor and the Legislature. It shall be the obligation of all law enforcement agencies in the State to file with the Attorney General on forms prescribed by the Attorney General information pertinent to the operation of section 4 b. The information on the forms shall include, but not be limited to (1) the name of the investigative or law enforcement officer making the interception; (2) the law enforcement agency employing the officer involved in the interception; (3) the character of the investigation or activity involved; and (4) the results of such activity.

d. In addition to reports and records otherwise required by law, the Attorney General and the county prosecutor shall maintain records of all interceptions authorized by them pursuant to section 4 c., on forms prescribed by the Attorney General. Such records shall include the name of the person requesting the authorization, the reasons for the request, and the results of any authorized interception. The Attorney General shall require that copies of such records maintained by county prosecutors be filed with him periodically and he shall report annually to the Governor and Legislature on the operation of section 4 c.

e. The Chief Justice of the Supreme Court and the Attorney General shall annually report to the Governor and the Legislature on such aspects of the operation of this act as they respectively deem appropriate including any recommendations they may care to make as to legislative changes or improvements to effectuate the purposes of this act and to assure and protect individual rights.

9. 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, 1983.

10. This act shall take effect immediately.

Approved June 23, 1978.

CHAPTER 52

AN ACT to validate certain proceedings for the issuance of bonds of school districts and any bonds or other obligations issued or to be issued in pursuance of such proceedings.

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

Validating act.

1. All proceedings heretofore had or taken by any school district or at any school district election for the authorization or issuance of bonds of the school district, and any bonds or other obligations of the school district issued or to be issued in pursuance of a proposal adopted by the legal voters at such election, are hereby ratified, validated and confirmed, notwithstanding that the supplemental debt statement required by N. J. S. 18A:24–16 of Title 18A, Education, was not prepared, sworn to and filed as required by said N. J. S. 18A:24–16 and 18A:24–17 of Title 18A, Education; provided, however, that a supplemental debt statement has heretofore been prepared, sworn to and filed in the places required by said N. J. S. 18A:24–17, and provided further, that no action, suit or other proceeding of any nature to contest the validity of such proceedings has heretofore been instituted prior to the date on which this act takes effect and within the time fixed therefor by or pursuant to law or rule of court, or when such time has not heretofore expired, is instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved June 23, 1978.

CHAPTER 53

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, 1978 and regulating the disbursement thereof," approved June 30, 1977 (P. L. 1977, c. 137).

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

1. The following sum is hereby appropriated out of the General State Fund for the purpose herein specified:

GENERAL STATE OPERATIONS
EXECUTIVE BRANCH
DEPARTMENT OF HUMAN SERVICES

53100.	Medical Assistance and Health Services	
53120.	Pharmaceutical assistance to the aged	$5,000,000
	Total Appropriation	$5,000,000

2. This act shall take effect immediately.

Approved June 23, 1978.

CHAPTER 54

AN ACT to postpone the effective date of the "Child Placement Review Act" (P. L. 1977, c. 424; C. 30:4C–50 et seq.) in certain counties and supplementing the act.

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

1. The "Child Placement Review Act" (P. L. 1977, c. 424; C. 30:4C–50 et seq.) shall not take effect until October 1, 1978.

2. This act shall take effect immediately.

Approved June 27, 1978.

CHAPTER 55

AN ACT to validate certain proceedings for the issuance of bonds of school districts and any bonds or other obligations issued or to be issued in pursuance of such proceedings.

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

1. All proceedings heretofore had or taken by any school district or at any school district election for the authorization or issuance of bonds of the school district, and any bonds or other obligations of the school district issued or to be issued in pursuance of a proposal adopted by the legal voters at such election, are hereby ratified, validated and confirmed, notwithstanding that notices relating to such election were not published as required by the "Absentee Voting Law (1953)" (P. L. 1953, c. 211; C. 19:57–1 et seq.) as amended and supplemented; provided, however, that no action, suit or other proceeding of any nature to contest the validity of such proceedings has heretofore been instituted prior to the date on which this act takes effect and within the time fixed therefor by or pursuant to law or rule of court, or when such time has not heretofore expired, is instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved June 27, 1978.

CHAPTER 56

A SUPPLEMENT to the "Safe and Clean Neighborhoods Act of 1973," approved February 27, 1973 (P. L. 1973, c. 46, C. 52:27D–108 et seq.).

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

1. Those municipalities which receive State aid pursuant to the provisions of P. L. 1977, c. 141 as amended, may anticipate in the municipal budget prepared for the year 1978 an amount equivalent to that which they were entitled to receive under said act, provided that each such municipality makes application to the Commissioner of the Department of Community Affairs and meets the criteria and standards contained in said act and the rules, regulations and guidelines in connection therewith issued by the commissioner.

2. In the event that any funds remain unappropriated as certified by the Commissioner of the Department of Community Affairs after each qualifying municipality has had an opportunity to apply for State aid under section 1 of this act, there shall be established

a discretionary fund and participating municipalities may make application for such funds as still remain unapportioned as determined by the commissioner.

3. The Commissioner of the Department of Community Affairs shall, within 5 days of the effective date of this act, determine and certify to the State Treasurer and the chief financial officer of each municipality which shall receive aid under this act the amount payable to each qualifying municipality. The State Treasurer, upon the certification of the commissioner and upon the warrant of the State Comptroller, shall pay and distribute, from funds appropriated therefor, to each qualifying municipality the amount so determined and certified.

4. Such funds as a qualifying municipality shall acquire pursuant to this act shall be appropriated by said municipality in compliance with the "Local Budget Law," (N. J. S. 40A:4–1 et seq.) as amended. Notwitstanding any provisions of the Local Budget Law, any municipality qualifying for State aid under the provisions of this act may anticipate the receipt of the amount of State aid certified by the Commissioner of the Department of Community Affairs and may file such amendments or corrections in its local budget as may be required to properly reflect such amount in its budget for the year 1978.

5. Any determination of the Commissioner of the Department of Community Affairs pursuant to this act as to the amount of matching funds allowable to each qualifying municipality shall be final and conclusive, and no appeal shall be taken therefrom or any review thereof, except in the case of an arithmetical or typographical error in the calculation of any distribution of funds.

6. This act shall take effect immediately.

Approved June 29, 1978.

CHAPTER 57

AN ACT to amend "The New Jersey Expressway Authority Act," approved February 19, 1962 (P. L. 1962, c. 10).

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

1. Section 21 of P. L. 1962, c. 10 (C. 27:12C–21) is amended to read as follows:

C. 27:12C-21 Bonds authorized; general obligations; types of bonds; issuance; interest rate; sale; minutes of authority meetings; approval or veto by Governor.

21. (A) The authority shall have the power and is hereby authorized from time to time to issue its bonds or notes for any of its corporate purposes, including the payment, funding or refunding of principal of or interest or redemption premiums on any bonds or notes issued by it whether the bonds or notes or interest to be funded or refunded have or have not become due.

(B) Except as may be otherwise expressly provided by the authority, every issue of bonds or notes shall be general obligations payable out of any moneys or revenues of the authority, subject only to any agreements with the holders of particular bonds or notes pledging any particular moneys or revenues. The authority may issue such types of bonds or notes as it may determine, including (without limiting the generality of the foregoing) bonds or notes on which the principal and interest are payable (a) exclusively from the income and revenues of the project financed with the proceeds of such bonds or notes; (b) exclusively from the income and revenues of certain designated projects whether or not they are financed in whole or in part with the proceeds of such bonds or notes; or (c) from its revenues generally. Any such bonds or notes may be additionally secured by a pledge of any grant or contributions from the Federal Government or any state or person or a pledge of any moneys, income or revenues of the authority from any source whatsoever.

(C) Any provision of any law to the contrary notwithstanding, any bond or note issued pursuant to this act shall be fully negotiable within the meaning and for all purposes of the negotiable instruments law of the State, and each holder or owner of such a bond or note, or of any coupon appurtenant thereto, by accepting such bond, note or coupon shall be conclusively deemed to have agreed that such bond, note or coupon is and shall be fully negotiable within the meaning and for all purposes of said negotiable instruments law.

(D) Bonds or notes of the authority shall be authorized by resolution of the authority and may be issued in one or more series and shall bear such date or dates, mature at such time or times not exceeding 40 years from the date thereof, bear interest at a rate or rates within such maximum rate (not exceeding 6% per annum), be in such denomination or denominations, be in such form either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be

payable from such sources in such medium of payment at such place or places within or without the State, and be subject to such terms of redemption (with or without premium) as such resolution or resolutions may provide.

(E) Bonds or notes of the authority may be sold at public or private sale at such price or prices as the authority shall determine, provided, however, that the interest cost to their average maturity of the money received for any group of bonds sold in a single transaction (computed according to standard tables of bond values) shall not exceed 6% per annum.

(F) No resolution or other action of the authority providing for the issuance of bonds, refunding bonds or other obligations or for the fixing, revising or adjusting of tolls for the use of any expressway project or parts or sections thereof shall be adopted or otherwise made effective by the authority without the prior approval in writing of the Governor and either the State Treasurer or the Comptroller of the Treasury.

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 the earlier of 10 days, exclusive of Saurdays, Sundays and public holidays, after such copy of the minutes shall have been so delivered, or the approval thereof by the Governor. 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, except action to negotiate or execute a collective negotiation agreement with a certified public employee organization representing employees of the authority, such action shall be null and of no effect.

The powers conferred by subsection (F) herein, upon the Governor, the State Treasurer and the Comptroller of the Treasury 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 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.

2. This act shall take effect immediately.

Approved June 29, 1978.

CHAPTER 58

AN ACT concerning intermediate school districts and supplementing Title 18A and repealing P. L. 1977, c. 120 (C. 18A:6–92 to C. 18A:6–94).

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

C. 18A:6-95 Educational improvement centers; establishment; program improvement support and assistance; contents; rules and regulations; procedures.

1. There are hereby established four regional-intermediate school districts to be known as educational improvement centers. These educational improvement centers on request shall provide support and assistance to local school districts and to members of the teaching and administrative staff through the delivery of materials, techniques and expertise necessary to improve school programs and services. Such program improvement support and assistance shall include:

a. The diagnosis of educational problems;

b. The examination of alternative solutions to such problems;

c. Planning, developing and making available to all teaching staff members information and materials pertaining to instructional and management processes and programs;

d. Staff development and training;

e. Consultation with districts during the implementation of any improvement plans; and

f. The extension of such other services as may be requested by the governing boards and approved by the Commissioner of Education.

g. The extension of assistance to citizens advisory committees appointed by boards of education or organized parent associations for the purpose of improving the educational offerings and services to the students for whom they are planning.

The commissioner with the approval of the State Board of Education shall promulgate such rules and regulations, as are necessary for the operation of the centers. In addition, the commissioner, with the approval of the State Board, shall establish procedures for determining whether or not the centers have met the needs of the region as defined by the respective governing boards, shall determine the degree to which such needs have been met by

the centers and shall make the results available to the Legislature on December 1 of each year.

The commissioner with the approval of the State Board of Education shall prescribe the boundaries of the regions to be served. To the extent permitted by law, educational improvement centers shall provide support and assistance as described in this section to nonprofit, nonpublic schools.

C. 18A:6-96 Management and administration of centers.

2. The government, control, conduct, management and administration of such educational improvement centers shall be vested in the board of directors.

C. 18A:6-97 Board of directors; appointment; membership; selection of teaching staff members; compensation to board members; terms; vacancies; removal.

3. The board of directors shall be appointed by the Commissioner of Education and approved by the State Board of Education and shall consist of 21 members not less than three of whom shall come from each of the counties within the region served. Members of the board of directors shall be appointed by the commissioner as follows:

a. Twelve teaching staff members to be selected from each of the following categories:

(1) special education teacher;
(2) vocational education teacher;
(3) K-2 teacher;
(4) 3-5 teacher;
(5) 6-8 teacher;
(6) 9-12 teacher;
(7) pupil personnel staff;
(8) elementary principal;
(9) secondary principal;
(10) curriculum supervisor;
(11) superintendent of schools;
(12) business manager/board secretary.

The selection of teaching staff members from categories 1 through 6 shall be made from a list of nominees provided by their respective county professional organizations representing local associations dealing with terms and conditions of employment. No one who is not a member of such an organization shall be excluded from consideration for such a list. The selection of teaching staff members from categories 7 through 12 shall be made from a list of

nominees provided by their respective county professional organizations.

b. One parent;

c. One representative of a nonprofit, nonpublic school;

d. One representative of higher education;

e. Two members of local boards of education;

f. One designee of the Commissioner of Education;

g. One county superintendent;

h. One representative of business and industry; and

i. One student representative.

Members of the board of directors shall reside or work in the region served by the center, and shall serve without compensation but shall be reimbursed for all reasonable and necessary expenses.

The term of office of the members shall be for 3 years beginning on July 1 and ending on June 30, except that of the members first appointed, seven shall be appointed for terms of 1 year; seven for terms of 2 years and seven for terms of 3 years.

Each member shall serve until his successor shall have been appointed and vacancies shall be filled in the same manner as the original appointment for the remainder of the unexpired terms. No members shall serve more than two successive terms. No member of any board of directors shall be interested directly or indirectly in any contract with or claim against the board. Whenever a member of a board of directors shall cease to be a bona fide resident of or an employee of an agency or firm located within the region served, his or her membership in the board shall immediately cease and any member who fails to attend three consecutive meetings of the board without good cause may be removed by it.

C. 18A:6-98 Time off with pay to attend meetings of board.

4. Any person employed by a public educational system or institution in a position which requires a certificate issued by the State board of examiners or employed in a professional education capacity by a school, college, or university which is either tax-supported or operated under contract with the State or on behalf of the State, who is a member of the board of directors of an educational improvement center shall be entitled to time off from his or her duties as such employee, without loss of pay, during the periods of his attendance at six duly authorized meetings of the board per year.

C. 18A:6-99 Meetings and organization of board of directors; election of officers; vacancies.

5. Each board of directors shall meet and organize annually, at a regular meeting held during the second week of September, by the election of a chairman, vice chairman, and such other officers as the board shall determine. Such officers shall serve until the following September meeting and until their successors are elected. Vacancies in such offices shall be filled in the same manner for the unexpired term only. The board of directors shall hold public meetings at least once in each month at such times and places as its rules may prescribe, at least half of which shall be scheduled during evening hours.

C. 18A:6-100 Powers and duties of board.

6. The board of directors of each educational improvement center, within the general rules and regulations set by the State Board of Education, shall have the general supervision over and be vested with the conduct of the center. It shall have the power and duty to:

a. Adopt and use a corporate seal;

b. Determine policies for the organization, administration, and development of the center;

c. Sue or be sued by its corporate name;

d. Annually study the educational needs of the region which it serves according to a needs assessment procedure established jointly by the four governing boards and approved by the State Board of Education;

e. Prepare an annual budget based upon those services which address the needs of the region as determined by the board of directors, with the approval of the commissioner, and jointly with the commissioner, present the annual budget to the Governor and the Legislature;

f. Disburse all monies appropriated to the center by the State and all monies received from grants, fees, auxiliary services and other sources;

g. Direct and control expenditures of the center pursuant to all provisions of law governing local school districts as set forth in Title 18A, and in accordance with the terms of any applicable trusts, bequests, or other special provisions. A system of bookkeeping and accounting shall be adopted and instituted as prescribed by the State board. The board shall cause an annual audit of the center's accounts and financial transactions in the manner

provided by N. J. S. 18A:23–1, et seq. All accounts of the center shall be subject to audit by the State at any time;

h. With the approval of the commissioner, appoint and fix compensation, terms and conditions of employment of an executive director in accordance with salary ranges and policies adopted by the State Board of Education and consistent with the State Compensation Plan. The executive director shall be secretary to the board of directors and shall serve at the pleasure of the board of directors;

i. Upon nomination by the executive director, appoint, remove, promote and transfer such other staff as may be required to carry out the provisions of the chapter, assign their duties, determine their salaries and prescribe qualifications for all positions in accordance with the salary ranges and policies consistent with the State Compensation Plan;

j. Enter into contracts and agreements with the State or any of its political subdivisions or with the United States, or any public body, department or any agency of the State or the United States or with any individual firm, or corporation, subject to the bidding requirements set forth in the "Public School Contracts Law" (P. L. 1977, c. 114, N. J. S. 18A:18A–1, et seq.), which are deemed necessary or advisable by the board for carrying out the provisions of this chapter;

k. Accept from any 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 any of its purposes;

l. Acquire, own, lease, use and operate property, subject to the facilities for the handicapped provisions set forth in N. J. S. 18A:18A–17 and P. L. 1975, c. 221 (C. 52:32–11, et seq.) whether real, personal or mixed, or any interest therein, which is necessary or desirable for center purposes.

m. Determine that any property owned by the center is no longer necessary for center purposes and to sell the same at such price and in such manner and upon such terms and conditions as shall be deemed appropriate and with the approval of the commissioner;

n. Adopt by-laws, make and promulgate such rules, regulations, and orders, not inconsistent with the provisions of this chapter or rules and regulations of the State Board of Education, as are necessary and proper for the administration and operation of the center and to implement the provisions of this act:

o. 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 center, consistent with this act and other applicable statutes;

p. Cause a report of the condition of the center and the center's property under its control and an itemized account of the condition of the finances of the center to be printed and submitted to the commissioner as soon as practicable after the close of the fiscal year; and it may

q. Utilize all available programs, services, and resources of other social agencies including institutions of higher education and local school districts to meet the educational problems of the region.

C. 18A:6-101 Powers and duties of executive director.

7. The executive director of an educational improvement center shall be responsible to its board of directors and shall have such powers as shall be requisitioned for the executive management and conduct of the center and for the execution and enforcement of the bylaws, rules, regulations and orders governing the management, conduct and administration of the center.

C. 18A:6-102 Membership in retirement system.

8. Notwithstanding the provisions of any other law, all employees of an educational improvement center shall serve at the pleasure of the board of directors. Certificated professional full-time employees shall be eligible for membership in the Teachers' Pension and Annuity Fund established pursuant to N. J. S. 18A:66–1 et seq. and all other employees shall be members of the Public Employees Retirement System established pursuant to P. L. 1954, c. 84 (C. 43:15A–1 et seq.).

Notwithstanding the provisions of any other law, such persons shall be entitled to supplemental compensation upon retirement as set forth in section 1 of P. L. 1973, c. 130 (C. 11:14–9).

9. All funds contained in the Appropriations Act for the 1978-79 fiscal year for educational improvement centers, including funds for the rental of facilities, shall be transferred to the Department of Education for the purposes of this act.

Repealer.

10. P. L. 1977, c. 120 (C. 18A:6–92 to C. 18A:6–94) is repealed.

11. This act shall take effect immediately.

Approved June 29, 1978.

CHAPTER 59

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, 1978 and regulating the disbursement thereof," approved June 30, 1977 (P. L. 1977, c. 137).

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

1. The following sums are hereby appropriated out of the General State Fund, or such other source of funds specifically indicated, for the respective public officers and for the several purposes herein specified:

DEPARTMENT OF ENVIRONMENTAL PROTECTION

41400. Pollution Control

41440-400-409-000.	Spill Compensation Administration	$200,000
Extraordinary:		
Expenses for personnel and equipment to administer and enforce provisions of the Spill Compensation and Control Act ...	($200,000)	
Total Appropriation		$200,000

The amount hereinabove shall be appropriated out of the New Jersey Spill Compensation Fund.

2. This act shall take effect immediately.

Approved June 30, 1978.

CHAPTER 60

Note: In approving the following act certain items, designated by *, were deleted or reduced by the Governor. See Statement appended following the text of the act.

AN ACT making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1979 and regulating the disbursement thereof.

ANTICIPATED RESOURCES FOR THE FISCAL YEAR 1978-79

Surplus

Estimated balance, July 1, 1978:	
General State Fund	$147,044,442
Property Tax Relief Fund	125,571,276
Total	$272,615,718

Major Taxes

Sales	$1,075,000,000
Corporation franchise	540,000,000
Motor fuels	305,000,000
Motor vehicle fees	242,000,000
Cigarette	172,000,000
Transfer inheritance	97,000,000
Insurance premiums	86,000,000
Business personal property	69,500,000
Public utility	62,000,000
Alcoholic beverage	57,100,000
Pari-mutuel	25,000,000
Realty transfer	19,000,000
Corporation business—Banks and financial institutions	14,250,000
Motor fuel use	5,000,000
Savings institutions	3,500,000
Total, Major Taxes	$2,772,350,000

Miscellaneous Taxes, Licenses and Other Revenues

Department of Law and Public Safety:	
Motor Vehicle Security Responsibility law administration	$2,765,948
Beverage licenses	2,939,790
Division of Consumer Affairs:	
General revenues	1,205,400
Professional examining board fees	3,208,709
Amusement Games Control fees	130,930
Bus excise tax	279,787
Division of State Police	364,750
State agency for surplus property	85,000
Department of the Treasury:	
Investment earnings	11,000,000
Interest on deposits—General Treasury	1,215,000
Sports and Exposition Authority	12,200,000
Railroad Tax—Class II	3,185,000
Railroad Tax—Franchise	27,000
Division of Tax Appeals—Fees	412,023
Escheats, personal property (14 years law)	150,000
Public utility tax—Administration	130,000
Sale of surplus property	115,000
Coin operated telephones	80,000
Financial business -State share	50,000
Department of State:	
General revenues—Fees	4,897,000
Uniform Commercial Code—Fees	815,000
Commissions	240,000
Department of Banking:	
Bank assessments	550,000
Examining and other fees	2,392,380
New Jersey Cemetery Board	82,747
Department of Insurance:	
Licensing and enforcement	2,536,361
Actuarial services	577,070
Real Estate Commission	1,868,600
Other revenue	30,550
Department of Agriculture:	
General fees	112,870
Milk Control licenses and fees	180,000
Fertilizer inspection and other fees	179,650

Department of Energy:	
Assessments—Public Utility	5,964,564
Assessments—Cable TV	341,683
Other revenue	95,500
Department of Health:	
General revenues—Licenses, fees	975,000
Department of Labor and Industry:	
General revenues—Licenses, fees	822,070
Special Compensation Fund	725,263
Department of Environmental Protection:	
Recreation boating—Motor Boat Numbering Act	945,841
Recreation boating—Other fees	26,400
New Jersey Pilot Commissioners	40,400
Marinas	390,200
Marine lands management—Delineation and title determination	470,000
Excess water diversion fees	300,000
Well drillers licenses and permits	1,100
Delaware and Raritan Canal water and sales	1,233,034
Round Valley and Spruce Run water sales	380,016
Air pollution fees	75,000
Water pollution fees	39,400
Radiation protection	195,000
Solid waste management fees	691,000
Shell fisheries	208,015
Hunters' and Anglers' License Fund	3,992,120
Parks management	2,080,000
Morris Canal Fund	48,000
Examination licensing program	189,570
Forest management	39,661
Department of Education:	
State Board of Examiners fees	515,000
Licensing fees—Miscellaneous	160,800
Non-public schools textbook recoveries	190,000
Department of Higher Education:	
Agricultural Experiment Station—Fees	10,000
Bond interest recoveries	360,472
Tuition—Regular	39,254,773
Other student fees	756,100
School of Conservation	350,000
Miscellaneous	178,000

Department of Transportation:	
Outdoor advertising	230,000
Division of Aeronautics	93,000
Miscellaneous	235,500
Department of Human Services:	
Board of patients and residents; other income	107,075,000
Special residential services	4,000,000
Adoption law fees	200,000
Soldiers' Homes	3,165,134
Other revenue	96,000
Department of Community Affairs:	
Local government services	120,000
Housing inspection fees	2,862,504
Delaware River Joint Toll Bridge Commission:	
Pennsylvania share	620,755
The Judiciary:	
Court fees	9,500,000
Inter-Departmental Accounts:	
Administration and investment of pension and social security funds	5,000,000
Pension contribution reimbursement from special funds	15,000,000
Social security contribution reimbursement from special funds	11,000,000
Health benefits contribution reimbursement from special funds	8,000,000
Other fringe benefit reimbursement from special funds	2,800,000
Public employer's contribution reimbursement	4,500,000
Reimbursement from Rutgers—Employer's share of employees' benefits	2,700,000
Rent of State building space	1,680,000
Judicial Retirement System reimbursements	1,800,000
Indirect cost recovery—Federal	5,250,000
Other Sources:	
Antirecession fiscal assistance—Federal	20,000,000
Miscellaneous revenue	750,000
Total, Miscellaneous Taxes, Licenses and Other Revenue	$322,728,440

Interfund Transfers

Beaches and Harbor Fund	$300,000
Clean Waters Fund	1,100,000
1837 Surplus Revenue Fund	35,000
General Revenue Sharing Fund	73,417,341
Higher Education Assistance Fund	350,000
Higher Education Buildings Construction Fund (PL 1971, c. 164)	335,000
Institution Construction Fund	985,000
Medical Education Facilities Fund	1,500,000
Mortgage Assistance Fund	360,000
Motor Vehicle Security Responsibility Fund	60,000
New Jersey Spill Compensation Fund	960,000
Outstanding checks account	145,000
Public Buildings Construction Fund	580,000
School Fund	1,862,000
State Disability Benefits Fund	5,095,744
State Lottery Fund	104,000,000
State Lottery Fund—Administration	3,860,677
State 1964 Institution Construction Fund	10,000
State Recreation and Conservation Land Acquisition and Development Fund (PL 1974, c. 102)	1,200,000
State Transportation Fund	1,500,000
Transportation Fund	30,700,000
Unclaimed Bank Deposits Escheat Fund	250,000
Unclaimed Domestic Life Insurance Escheat Fund	200,000
Unclaimed Personal Property Trust Fund	750,000
Unemployment Compensation Auxiliary Fund	4,374,060
Unsatisfied Claim and Judgment Fund	310,545
Water Conservation Fund	1,650,000
Total, Interfund Transfers	$235,890,367
Total, General State Fund	$3,330,968,807
Less:	
Reserve for Commuter Taxes:	
Emergency Transportation Tax (N.Y.)	*30,700,000*
Net General State Fund	$3,300,268,807

Property Tax Relief Fund

Gross Income Tax	850,000,000

Casino Control Fund	
Licenses and fees	1,500,000
Casino Revenue Fund	
Casinos Gross Revenues Tax	4,400,000
Total Anticipated Revenues	$4,156,168,807
Total Resources	$4,428,784,525

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

1. The appropriations herein made or so much thereof as may be necessary are hereby appropriated out of the General State 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, 1979. Unless otherwise provided, the appropriations herein made shall be available during said fiscal year and for a period of two months thereafter for expenditures applicable to said fiscal year. Unless otherwise provided, at the expiration of said two-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 contracts on file as of June 30, 1979 with the Director of the Division of Budget and Accounting or held by encumbrance requests covering requisitions on file as of June 30, 1979 with the Director of the Division of Budget and Accounting, provided that contracts covering such requisitions are filed with the Director by August 31, 1979. Nothing in this section or in this act contained shall be construed to prohibit the payment due upon any contract made under any appropriation contained in any appropriation act of the previous year or years.

LEGISLATIVE BRANCH

Legislative Affairs

72100. Legislature

72110-001. Senate	$2,590,604
Sub-Total Appropriation	$2,590,604

Salaries:		
Senators (40)	($403,334)	
Members' staff services	(800,000)	
Officers and employees	(585,000)	
Materials and Supplies	(255,150)	
Services Other Than Personal	(515,000)	
Maintenance of Property:		
Recurring	(9,000)	
Extraordinary:		
Compensation awards	(3,120)	
Additions and Improvements	(20,000)	
The unexpended balance as of June 30, 1978 in this account is hereby appropriated.		
72120-002. General Assembly		$4,022,634
Sub-Total Appropriation		$4,022,634
Salaries:		
Assemblymen (80)	($803,334)	
Members' staff services	(1,600,000)	
Officers and employees	(585,000)	
Materials and Supplies	(312,300)	
Services Other Than Personal	(692,000)	
Maintenance of Property:		
Recurring	(10,000)	
Additions and Improvements	(20,000)	
The unexpended balance as of June 30, 1978 in this account is hereby appropriated.		
Total Appropriation, Legislature		$6,613,238

72200. Legislative Services

72210-003. Office of Chief Counsel, Bill Drafting, Legal Services and Law Revision	$536,507
72220-003. Information and Research	1,449,826
Total Appropriation, Legislative Services Agency	$1,986,333

Salaries:		
Officers and employees	($1,772,843)	
New positions	(44,040)	
Materials and Supplies	(62,700)	
Services Other Than Personal	(70,850)	
Maintenance of Property:		
Recurring	(3,400)	
Non-recurring and Replacements	(4,500)	
Extraordinary:		
Computer Statutory Research	(28,000)	

72300. Office of Fiscal Affairs

72310-004.	Administrative Office of the Executive Director	$321,460
72320-004.	Division of State Auditing	1,222,008
72330-004.	Division of Budget Review	400,280
72340-004.	Division of Program Analysis	387,270
	Total Appropriation, Office of Fiscal Affairs	$2,331,018

Salaries:		
State Auditor	($21,250)	
Officers and employees	(2,074,339)	
Materials and Supplies	(36,800)	
Services Other Than Personal	(139,954)	
Maintenance of Property:		
Recurring	(4,275)	
Non-recurring and replacements	(400)	
Extraordinary:		
Special professional services	(51,500)	
Additions and Improvements	(2,500)	

72400. Legislative Commissions

72410-010.	Intergovernmental Relations Commission	$226,075
	Sub-Total Appropriation	$226,075

Extraordinary:		
Expenses of Commission	($4,180)	
The Council of State Governments	(57,680)	

Atlantic States Marine Fisheries Commission	(5,300)	
National Conference of Commissioners on Uniform State Laws	(13,200)	
Education Commission of the States	(24,750)	
National Governors' Association	(40,835)	
Advisory Commission on Intergovernmental Relations	(3,000)	
National Conference of State Legislatures	(52,130)	
Eastern Regional Conference of Council of State Governments, Atlantic City, New Jersey	(25,000)	
72410-014. Joint Committee on the Public Schools		
The unexpended balance as of June 30, 1978 in this account is hereby appropriated.		
72410-018. State Commission of Investigation		$906,000*
Sub-Total Appropriation		$956,000
Extraordinary:		
Expenses of Commission	($956,000)	
72410-039. County and Municipal Government Study Commission		$120,000
Sub-Total Appropriation		$120,000
Extraordinary:		
Expenses of Commission	($120,000)	
The unexpended balance as of June 30, 1978 in this account is hereby appropriated.		
Total Appropriation, Legislative Commissions		$1,252,075*
Total Appropriation, Legislative Affairs		$12,182,664*

EXECUTIVE BRANCH

71100. Chief Executive's Office

71110-080.	Executive Management	$1,392,042
	Total Appropriation, Chief Executive's Office	$1,392,042

Salaries:
- Governor ..... ($65,000)
- Secretary to the Governor ..... (28,500)
- Officers and employees ..... (517,946)
- Positions transferred from other departments ..... (80,974)
- Positions transferred from other departments and converted ..... (111,961)
- New positions ..... (177,216)

Materials and Supplies ..... (40,850)

Services Other Than Personal..... (200,395)

Maintenance of Property:
- Recurring ..... (1,700)
- Non-recurring and replacements .. (2,500)

Extraordinary:
- An 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 .... (35,000)
- Establishment of an Office of Planning and Policy Development.... (130,000)

The unexpended balance as of June 30, 1978 in this account is hereby appropriated.

DEPARTMENT OF LAW AND PUBLIC SAFETY

Law Enforcement

11100. Regulation of Motor Vehicles

11110-140.	Licensing and Registration	$9,404,266
11120-140.	Vehicle Control	10,828,852
11130-140.	Driver Control and Enforcement ...	6,772,723
11140-141.	Security Responsibility	2,765,948

11150-142. Unsatisfied Claim and Judgment Fund Board	310,545
11190-140. Administration and Support	3,009,086
Total Appropriation	$33,091,420

Salaries:	
Officers and employees	($22,302,743)
New positions	(97,244)
Materials and Supplies	(2,457,429)
Services Other Than Personal	(6,736,898)
Maintenance of Property:	
Recurring	(115,650)
Non-recurring and replacements	(38,344)
Extraordinary:	
For transfer to an applicant State department for the State share of the cost of highway safety projects which qualify for no less than 70% matching by the Federal government	(50,000)
Implement revisions to the Motor Vehicle statutes as recommended by the Motor Vehicle Study Commission	(1,000,000)
System evaluation and improvement	(150,000)
Compensation awards	(105,352)
Additions and Improvements	(37,760)

In addition to the amounts hereinabove, there are appropriated such sums as may be necessary to defray the cost of registering motor vehicles and licensing drivers (RS 39:3-3 and RS 39:10-25).

The unexpended balance in the For transfer to an applicant State department for the State share of the cost of highway safety projects account as of June 30, 1978 is hereby appropriated for such projects.

Such additional sums, not to exceed $1,000,000, as may be necessary for the implementation of PL 1977, c. 23, 24, 25, 26, 27, 28, 29, from receipts pursuant to such chapters are hereby appropriated.

The amount hereinabove to Security Responsibility for the cost of administering the Motor Vehicle Security Responsibility Law shall be payable from receipts received from mutual associations and stock companies writing motor vehicle liability insurance within the State (NJS 39:6–58) and any receipts in excess of the amount hereinabove are hereby appropriated to defray additional cost of administration of the Security Responsibility Program.

The amount hereinabove for the Unsatisfied Claim and Judgment Fund Board is hereby appropriated out of the Unsatisfied Claim and Judgment Fund and, in addition, there are hereby appropriated out of such funds additional sums as may be necessary for the payment of claims (C39:6–67), and for such additional costs as may be required to administer C39:6–62 et seq.

11200. State Police

11210-120.	Patrol Activities and Crime Control ..	$28,692,804
11220-120.	Police Services and Public Order	6,897,357
11290-120.	Administration and Support	8,155,536
	Total Appropriation	$43,745,697

Salaries:	
Officers and employees	($29,585,670)
New positions	(319,461)
Cash in lieu of maintenance	(4,158,150)
Materials and Supplies	(2,718,662)
Services Other Than Personal	(3,310,053)
Maintenance of Property:	
Recurring	(667,700)
Non-recurring and replacements ..	(1,742,575)
Extraordinary:	
Data Reduction Program	(350,000)
Uniform crime reporting	
Reduction of backlog in Fingerprint Records Bureau	

State Police recruit classes ..... (637,137)
Compensation awards ..... (160,000)
Additions and Improvements ..... (96,289)

In addition to the amounts hereinabove to the Division of State Police, there are hereby appropriated to the respective State departments and agencies such sums as may be received or receivable from any instrumentality or public authority for direct and indirect costs of all State Police services furnished thereto, 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 or authorities for employer contributions to the State Police Retirement System shall not be appropriated and shall be paid into the General State Fund.

The unexpended balance as of June 30, 1978 in the State Police recruit class account is hereby appropriated for the same purpose.

11300. Legal, Administrative and Support Services

11310-110.	Legal Services	$4,596,378
11320-105.	Criminal Justice	4,230,025
11330-105.	Police Training Commission	415,412
11340-105.	State Medical Examiner	522,325
11350-106.	Civil Defense Operations and Administration	366,145
11390-100.	Department Planning and Management	631,628
	Total Appropriation	$10,761,913

Salaries:
Attorney General ..... ($49,000)
Officers and employees ..... (8,807,853)
New positions ..... (160,513)
Materials and Supplies ..... (446,370)
Services Other Than Personal ..... (999,356)

Maintenance of Property:	
Recurring	(36,695)
Non-recurring and replacements	(13,200)
Extraordinary:	
Expenses of State Grand Jury	(150,000)
Emergency operating center	(1,200)
Hammonton Training School	(6,545)
Compensation awards	(7,310)
Law enforcement planning, resource development and evaluation	(52,180)
Additions and Improvements	(31,691)

The unexpended balance as of June 30, 1978, not to exceed $2,000,000, in the revolving fund established under the New Jersey Antitrust Act (C56:9–1 et seq.) is hereby appropriated for the administration of the Act; provided, however, that any expenditures therefrom shall be subject to the approval of the Director of the Division of Budget and Accounting.

Such sums as may be necessary to carry out the provisions of C. App. A:9–57.1 et seq. are hereby appropriated from the Special Fund for Civil Defense Volunteers.

The Governor is hereby empowered to direct the State Treasurer to transfer from any State department to this 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.

The unexpended balance as of June 30, 1978 in the State Agency for Federal Surplus Property revolving fund account, together with any receipts from service charges made to recipient agencies in excess of the anticipation, are hereby appropriated to defray cost of administration of the program.

The unexpended balance as of June 30, 1978 in the Disaster relief account is hereby appropriated.

There are hereby appropriated as a revolving fund the receipts derived from services rendered by Systems and Communications, and the unexpended balance of such receipts as of June 30, 1978, for the purpose of operating the revolving fund, including the replacement of data processing equipment and the purchase of additional data processing equipment.

The Director of the Division of Budget and Accounting is hereby empowered to transfer or credit to the Systems and Communications revolving fund from the various appropriations made to departments for data processing costs which are appropriated or allocated to such departments for their share of such costs.

There are hereby appropriated out of the Veterans' Guaranteed Loan Fund (C38:23B–1) such sums as may be necessary to pay for the administration thereof.

11400. Protection of Individual Rights

11410-160.	Consumer Affairs—General	$1,840,099
11420-161.	Consumer Affairs—Regulation of Professions and Trades	3,208,709
11430-115.	Civil Rights	1,501,800
	Total Appropriation	$6,550,608

Salaries:	
Officers and employees	($3,599,702)
Positions established from lump sum appropriation	(203,738)
Positions established in lieu of appropriated revenue	(83,196)
Materials and Supplies	(144,605)
Services Other Than Personal	(2,357,390)
Maintenance of Property:	
Recurring	(18,125)
Non-recurring and replacements	(6,752)

Extraordinary:	
New Jersey Corporation Takeover Bid Disclosure Law (C49:5–1 et seq.)	(45,000)
Hearing Aid Dispensers Examining Committee	(2,000)
Multiple dwelling reporting rule	(50,000)
A-95 review program	(25,000)
Compensation awards	(10,000)
Additions and Improvements	(5,100)

Receipts derived from the assessment and recovery of costs of hearings conducted pursuant to the Consumer Fraud Act are hereby appropriated for such purpose.

Of the sum hereinabove for Consumer Affairs—General program element, the annual salary of the State Athletic Commissioner shall not exceed $8,500.

The amount hereinabove for each of the several State professional boards shall be provided from receipts of such boards and any receipts in excess of the amount specifically provided to each of said boards are hereby appropriated; provided, however, that the appropriation of excess receipts shall not apply to the State Board of Beauty Culture Control and to the State Board of Barber Examiners.

11600. Miscellaneous Law Enforcement and Related Agencies

11610-185.	Election Law Enforcement	$373,747
11620-190.	Law Enforcement Planning	977,117
11630-186.	Violent Crimes Compensation	1,273,889
11640-187.	Executive Commission on Ethical Standards	82,160
	Total Appropriation	$2,706,913

Salaries:
Officers and employees ..... ($430,446)
New positions ..... (40,000)
Materials and Supplies ..... (36,500)
Services Other Than Personal ..... (144,350)

Maintenance of Property:
Recurring ..... (500)

Extraordinary:
For transfer to an applicant State department with the approval of the Director of the Division of Budget and Accounting, for the State share of State Law Enforcement Planning Agency programs for which matching Federal funds are approved:
Correctional assistance grants (Part E) ..... (112,444)
Discretionary grants ..... (277,778)
Grant for administration of SLEPA ..... (100,000)
Action grants (Part C) ..... (265,945)
Juvenile justice grant ..... (220,950)
Claims—Victims of violent crimes (1,078,000)

The Fund balance as of June 30, 1978 in the Gubernatorial General Elections Fund shall be transferred to the General State Fund as a reimbursement of expenditures made from appropriations in fiscal year 1977-78 for public financing of gubernatorial general elections (C19:44-3).

The unexpended balance as of June 30, 1978 of the Law Enforcement Planning program element is hereby appropriated for the same purposes.

Of the amount hereinabove for Claims—Victims of violent crimes, $25,000 may be utilized for additional personnel.

The sum hereinabove for Claims—Victims of violent crimes shall be available for the payment of awards applicable to claims filed in prior fiscal years.

Regulation of Industry

14800. Regulation of Other Industries

14810-130.	Alcoholic Beverage Control	$2,422,854
14820-155.	Racing Commission	1,097,635
	Total Appropriation	$3,520,489

Salaries:
- Officers and employees ($2,565,151)
- Positions established from lump sum appropriation (453,189)
- New positions (41,439)

Materials and Supplies (54,250)

Services Other Than Personal (386,960)

Maintenance of Property:
- Recurring (10,000)
- Non-recurring and replacements (3,500)

Extraordinary:
- Compensation awards (6,000)

Receipts from the Race Track Admission Tax (C5:5-64), and the unexpended balance of such receipts as of June 30, 1978, are hereby appropriated for use as provided by law.

Total Appropriation, Department of Law and Public Safety $100,377,040

DEPARTMENT OF THE TREASURY

Executive Management, Planning and Control

71200. Central Management, Planning and Control

71210-220.	Budget Planning and Control	$1,715,445
71220-220.	Accounting and Fiscal Management	4,652,130
71230-225.	Management of Data Processing and Telecommunications	940,177
71240-212.	Employee Relations and Collective Negotiations	344,073
71250-211.	Economic Planning and Research	112,419
71260-290.	Management of State Investments	1,121,827

71270-295.	Management of Employee Benefits Programs	4,424,317
71290-270.	Financial Regulations and Assistance	459,798
	Total Appropriation	$13,770,186

Salaries:
- Officers and employees ($8,665,034)
- New positions (263,856)

Materials and Supplies (401,253)

Services Other Than Personal (4,304,093)

Maintenance of Property:
- Recurring (35,750)
- Non-recurring and replacements (28,400)

Extraordinary:
- Expanded Federal program policy review (40,000)

Additions and Improvements (31,800)

There are hereby 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.

Such sums as may be necessary for administrative expenses incurred by the Unemployment Benefits Section in processing Federal benefit payments are hereby appropriated from such sums as may be received or receivable for this purpose.

Such sums as may be necessary for payment of expenses incurred by issuing officials appointed under the several bond acts of the State are hereby appropriated for the purposes and from the sources defined in said acts.

Such sums as may be necessary for payment of principal and/or interest due from the issuance of any bonds authorized under the several bond acts of the State, are hereby appropriated and first shall be charged to the earnings of the investment of such bond proceeds.

There are hereby appropriated, out of receipts derived from the investment of State funds, such sums as may be necessary for bank service charges, custodial costs, mortgage servicing fees and advertising bank balances (C52:18-16.1).

71300. Tax and Revenue Administration

71310-240.	Special Procedures/Investigations	$5,547,920
71320-240.	Tax Audit Services	9,381,735
71330-250.	Administration of State Lottery	3,860,677
71380-260.	Adjudication of Tax Appeals	538,922*
71390-240.	Processing/Administration	8,076,330
	Total Appropriation	$27,593,584

Salaries*:

Judges (10 @ $17,000)	($170,000)
Officers and employees	(20,780,112)
New positions	(224,386)
Materials and Supplies	(847,825)
Services Other Than Personal	(5,296,686)

Maintenance of Property:

Recurring	(52,825)
Non-recurring and replacements	(1,300)

Extraordinary:

Compensation awards	(30,450)
Additions and Improvements	(2,000)

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, as amended and supplemented.

So much of the receipts derived from the sale of confiscated equipment, materials and supplies under the Cigarette Tax Act as may be necessary for confiscation, storage, disposal and other related expenses thereof are hereby appropriated.

Any appropriation herein or heretofore made for administration of the Emergency Transportation Tax Act (C54:8A–1 et seq.) and the Transportation Benefits Tax Act (C54:8A–58 et seq.) first shall be charged to the Transportation Fund or the Transportation Benefits Fund, respectively, established in said Acts and, in addition thereto, such sums as may be necessary for additional expenses of administration of said Acts are hereby appropriated from the receipts thereof.

There are hereby appropriated, out of the State Lottery Fund, the amounts hereinabove for Administration of State Lottery, and such sums as may be necessary for such additional costs required to implement C5:9–1 et seq.

In addition to the amounts hereinabove, there are hereby appropriated from the State Lottery Fund such sums as may be necessary for payment of commissions and prizes and expenses of developing games (C5:9–7).

Of the amount hereinabove for Adjudication of Tax Appeals, so much as shall be approved by the Director of the Division of Budget and Accounting shall be used for initiation of a Tax Court, pursuant to S-115 or similar legislation.

Centrally Financed Facilities and Services

78100. Central Support Services

78110-230.	Purchasing and Inventory Management	$1,729,744
78120-230.	Physical Plant Operation and Maintenance	5,177,016
78130-230.	Other Property Management Services.	459,202
78160-230.	Other Central Support Services	191,000
78170-235.	Construction Management Services	2,296,212
78190-230.	Spill Compensation Administration	300,000
	Total Appropriation	$10,153,174

Salaries:	
Officers and employees	($6,639,793)
Materials and Supplies	(1,820,500)
Services Other Than Personal	(837,031)
Maintenance of Property:	
Recurring	(238,050)
Non-recurring and replacements	(54,800)
Extraordinary:	
Spill Compensation Administration	(300,000)
To establish Bureau of General Services	(191,000)
Additions and Improvements	(72,000)

A sum not to exceed $175,000, from the proceeds derived from the sale of State-owned surplus real property is hereby appropriated for administrative expenses connected with such sale or disposition.

The Director of the Division of Budget and Accounting is hereby empowered to transfer or credit to the Construction Management Services program element, 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.

The amount hereinabove for Spill Compensation Administration is hereby appropriated from the New Jersey Spill Compensation Fund and, in addition to the amounts hereinabove, there are hereby appropriated out of the New Jersey Spill Compensation Fund such additional sums as may be required to pay approved claims for damages subject to the approval of the subcommittee on Transfers of the Joint Appropriations Committee.

78110-230-300. State Purchase Fund

The unexpended balance in the State Purchase Fund as of June 30, 1978, and the reimbursements thereto, are hereby appropriated for the purpose of making payments for purchases (RS 52:25–1 et seq.), and for the expenses of handling, storing and transporting purchases so made and for administration of the Distribution Center.

78140-220-300. Data Processing Center

There are hereby appropriated as a revolving fund the receipts derived from services rendered by the Bureau of Data Processing, and the unexpended balance of such receipts as of June 30, 1978, for the purpose of operating the revolving fund, including the replacement of data processing equipment and the purchase of additional data processing equipment.

The Director of the Division of Budget and Accounting is hereby empowered to transfer or credit to the Bureau of Data Processing revolving fund from the various appropriations made to departments for data processing costs which are appropriated or allocated to such departments for their share of such costs.

78150-230-303. Automotive Services

There are hereby appropriated as a revolving fund the receipts derived from services rendered by a central motor pool, and the unexpended balance of such receipts as of June 30, 1978, for the purpose of operating such a motor pool, including the replacement of motor vehicles and the purchase of additional motor vehicles.

78180-213-300. Public Communication

There are hereby appropriated as a revolving fund the receipts derived from services rendered by the Office of Public Communication, and the unexpended balances of such receipts as of June 30, 1978.

Management and General Support

79100. Department Management and General Support

79110-210.	Management Services	$1,108,259
79130-210.	Federal Liaison Office	100,000
	Total Appropriation	$1,208,259

Salaries:	
State Treasurer	($49,000)
Officers and employees	(713,394)
Materials and Supplies	(28,000)
Services Other Than Personal	(112,665)
Maintenance of Property:	
Recurring	(2,000)
Non-recurring and replacements	(2,200)
Extraordinary:	
Public contracts affirmative action program	(200,000)
Federal Liaison Office—Washington, D. C.	(100,000)
Additions and Improvements	(1,000)

Fees collected on behalf of the Public contracts affirmative action program, are hereby appropriated for program costs, subject to allotment by the Director of the Division of Budget and Accounting.

79120-210-301. Print Shop

The unexpended balance as of June 30, 1978 in the Print Shop revolving fund, and any receipts therefrom, are hereby appropriated for the several purposes thereof.

The Director of the Division of Budget and Accounting is hereby empowered to transfer or credit to the Print Shop revolving fund from any appropriation made to any department for printing costs appropriated or allocated to such departments for their share of costs of the Print Shop.

79120-210-302. Microfilm Section

The unexpended balance as of June 30, 1978 in the Microfilm Section revolving fund, and any receipts therefrom, are hereby appropriated for the several purposes thereof.

The Director of the Division of Budget and Accounting is hereby empowered to transfer or credit to the Microfilm Section revolving fund from any appropriation made to any department for microfilming costs appropriated or allocated to such departments for their share of costs of the Microfilm Section.

79120-233, 234-400. State Cafeterias

The unexpended balances in the State Cafeteria accounts as of June 30, 1978, and receipts obtained from cafeteria operations, are hereby appropriated for the improvement and extension of cafeteria services and facilities (C52:18A-19.6).

Total Appropriation, Department of the Treasury	$52,537,203*

DEPARTMENT OF STATE

Direct Public Services

34600. Development of Arts and Culture

34610-300.	Development Support	$1,494,253*
	Total Appropriation	$1,494,253

Salaries:	
Officers and employees	($58,003)
Materials and Supplies	(5,650)
Services Other Than Personal	(21,100)
Maintenance of Property:	
Recurring	(200)
Non-recurring and replacements	(300)

Extraordinary:

Cultural Projects:	
Summer Festival	(300,000)
New Jersey Symphony	(383,000)
New Jersey State Opera	(133,000)
New Jersey Ballet	(40,000)
McCarter Theatre	(30,000)
Greater Trenton Symphony	(25,000)
Symphony Hall	(129,000)
Other allocations	(344,000)*
New Jersey Contemporary Orchestra	(*)
South Jersey Arts Council	(*)
Jersey City Commission on the Arts	(25,000)

The unexpended balances as of June 30, 1978 in the Cultural projects accounts are hereby appropriated.

Of the amounts appropriated for various Cultural projects, a sum not to exceed $50,000 may be used for additional administrative expenses.

The funds hereinabove for the Summer Festival shall be expended for summer cultural performances and exhibitions, including performances by groups and artists not otherwise supported through the Council on the Arts, and representing diverse cultural interests among the State's citizens.

The Council on the Arts may require of recipient groups, and in the case of those receiving over $50,000 shall require, that performances be scheduled in the several regional centers of the State.

Executive Management, Planning and Control

71600. Recording, Filing and Control of Documents and Administrative Procedures

71610-300.	Recording and Filing of Documents	$1,487,611
71620-300.	Codification and Publication of Administrative Procedures	226,116
	Total Appropriation	$1,713,727

Salaries:		
Secretary of State	(	$49,000)
Officers and employees	(	1,180,713)
Materials and Supplies	(	70,750)
Services Other Than Personal	(	256,964)
Maintenance of Property:		
Recurring	(	3,200)
Non-recurring and replacements	(	4,000)
Extraordinary:		
Voter Registration Act (C19:31-6)	(	115,000)
Voter Declaration Act	(	4,000)
Additions and Improvements	(	30,100)

The unexpended balance as of June 30, 1978 in the Examination of voting machines account, and any additional receipts derived from the examination of voting machines by the Secretary of State, are hereby appropriated for the costs of making such examinations.

The unexpended balance as of June 30, 1978 in the Publications preparation account, and any additional receipts derived from the sale of publications by the Division of Administrative Procedure, are hereby appropriated for the printing and distribution of such publications.

Total Appropriation, Department of State	$3,207,980*

DEPARTMENT OF CIVIL SERVICE

Personnel Management

75500. Merit System Administration

75510-310.	Personnel Policy Development and General Administration	$2,071,421
75520-310.	Recruitment and Selection	2,556,473
75530-310.	Classification, Compensation and Local Government Services	2,241,017
75540-310.	Employee Development and Personnel Services	574,108
75550-310.	Equal Employment Opportunity and Affirmative Action	459,762
	Total Appropriation	$7,902,781

Salaries:		
President	($49,000)	
Commissioners (4 @ $12,500)	(50,000)	
Officers and employees	(5,479,549)	
Positions established from lump sum appropriation	(330,000)	
New positions	(94,559)	
Materials and Supplies	(302,400)	
Services Other Than Personal	(1,085,532)	
Maintenance of Property:		
Recurring	(14,050)	
Non-recurring and replacements	(29,750)	
Extraordinary:		
Expansion of affirmative action programs; To improve examination and classification services; To improve services rendered to State and local governments	(430,441)	
Additions and Improvements	(37,500)	
Receipts derived for training services provided to local governments are hereby appropriated for the same purpose.		
Total Appropriation, Department of Civil Service		$7,902,781

DEPARTMENT OF BANKING

Regulation of Industry

14100. Regulation of Financial Institutions

14110-320.	Regulation of Banking Industry	$1,753,261
14120-320.	Regulation of Savings and Loan Associations	806,636
14190-320.	Management and General Support	609,660
	Total Appropriation	$3,169,557

Salaries:		
Commissioner	($49,000)	
Officers and employees	(2,450,530)	

Positions established from lump sum appropriation	(	41,708)
New positions	(	47,970)
Materials and Supplies	(	39,575)
Services Other Than Personal	(	448,007)
Maintenance of Property:		
Recurring	(	3,320)
Non-recurring and replacements	(	1,700)
Extraordinary:		
Compensation awards	(	2,500)
New Jersey Cemetery Board	(	82,747)
Additions and Improvements	(	2,500)

Receipts in excess of those anticipated from assessments (NJAC 3:1–6.1 et seq., by authority of NJSA 17:1–8), and the unexpended balance as of June 30, 1978 of such receipts, are hereby appropriated.

The amount apropriated to the New Jersey Cemetery Board shall be payable out of the receipts of the Board, and any receipts in excess of that amount are hereby appropriated.

The unexpended balance as of June 30, 1978 in the New Jersey Cemetery Board account is hereby appropriated for the same purpose.

Total Appropriation, Department of Banking	$3,169,557

DEPARTMENT OF INSURANCE

Regulation of Industry

14200. Regulation of the Insurance and Real Estate Industries

14210-325.	Licensing and Enforcement	$1,219,969
14220-325.	Actuarial Services	876,537
14230-325.	Regulation of Real Estate Industry	607,885
14290-325.	Management and General Support	1,254,576
	Total Appropriation	$3,958,967

Salaries:		
Commissioner	(	$49,000)

Real Estate Commissioners (6 @ $6,000)	(36,000)
Officers and employees	(3,168,464)
Positions established from lump sum appropriation	(52,285)
New positions	(85,621)
Materials and Supplies	(84,180)
Services Other Than Personal	(440,967)
Maintenance of Property:	
Recurring	(5,450)
Non-recurring and replacements	(2,000)
Extraordinary:	
Compensation awards	(13,000)
Additions and Improvements	(22,000)

A sum not to exceed $250,000 is hereby appropriated from receipts to defray the expenses of the Committee on Valuation of Securities of the National Association of Insurance Commissioners (C17:24–13).

The unexpended balance as of June 30, 1978 of the receipts representing reimbursement of costs incurred by the Department of Insurance, acting as receiver for insolvent insurance companies, and any additional receipts, are hereby appropriated.

There are hereby appropriated from the Real Estate Guaranty Fund such sums as may be necessary to pay claims.

Receipts derived from the sale of shoppers' guides, and the unexpended balance as of June 30, 1978, of such receipts, are hereby appropriated for the operation of the Insurance Shoppers' Guide revolving fund.

Total Appropriation, Department of Insurance	$3,958,967

DEPARTMENT OF AGRICULTURE

Environmental Management

41100. Disease Control and Agricultural Development Services

41110-330.	Animal Disease Control	$476,454
41120-330.	Plant Pest and Disease Control	1,096,978
41130-330.	Resource Development Services	658,201
	Total Appropriation	$2,231,633

Salaries:		
Officers and employees	(	$1,561,463)
Position transferred from another subcategory	(	14,616)
Materials and Supplies	(	118,920)
Services Other Than Personal	(	281,784)
Maintenance of Property:		
Recurring	(	2,625)
Non-recurring and replacements	(	6,610)
Extraordinary:		
Indemnities, cattle diseases, (C4:5–93.37)	(	5,000)
Gypsy moth control	(	70,000)
Soil survey program	(	41,615)
Grants to soil conservation districts	(	120,000)
Additions and Improvements	(	9,000)

The unexpended balances as of June 30, 1978 in the Indemnities, cattle disease (C4:5–93.37) and the Soil survey program accounts are hereby appropriated for the same purposes.

Development and Regulation of Industry

51300. Agricultural Trade Regulation and Marketing Services

51320-330.	Dairy Industry Regulation	$405,431
51330-330.	Other Commodity Regulation	631,729
51340-330.	Marketing Services	449,468
	Total Appropriation	$1,486,628

Salaries:
Officers and employees ..... ($1,165,523)
Materials and Supplies ..... (20,290)
Services Other Than Personal ..... (290,080)

Maintenance of Property:
Recurring ..... (5,400)
Non-recurring and replacements ... (2,835)
Additions and Improvements ..... (2,500)

The cost of operating fruit, vegetable and poultry inspection shall be paid from inspection fees derived therefrom, and the unexpended balance as of June 30, 1978, and receipts derived from the operation of the fruit, vegetable and poultry programs, are hereby appropriated.

The unexpended balances as of June 30, 1978, of receipts for the Poultry Products Promotion Council (C54:47A–1), White Potato Industry Promotion Council (C54:47B–1), Asparagus Industry Promotion Council (C54:47C–1), Apple Industry Promotion Council (C54:47D–1), Sweet Potato Commission (C54:47E–1) and New Jersey Horsebreeding and Development (C5:5–22 et seq.), and additional receipts, are hereby appropriated.

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, 1978, are hereby appropriated for expenses of Commodity Distribution.

Management and General Support

79100. Department Management and Support

79110-330. Management Services $762,580

Total Appropriation $762,580

Salaries:
Secretary ..... ($49,000)
Officers and employees ..... (527,823)

Position transferred from another subcategory	(9,818)	
Materials and Supplies	(28,775)	
Services Other Than Personal	(127,094)	
Maintenance of Property:		
Recurring	(8,500)	
Non-recurring and replacements	(2,570)	
Extraordinary:		
Expenses of State Board of Agriculture	(6,500)	
Additions and Improvements	(2,500)	
Total Appropriation, Department of Agriculture		$4,480,841

DEPARTMENT OF DEFENSE

Protection Against Natural and Man-made Hazards

13100. National Guard

13110-340.	National Guard Training, Operations and Administration	$1,637,484
13120-340.	Management of National Guard Installations	3,108,677
13140-340.	Management of Joint Training Center	660,374
	Total Appropriation	$5,406,535

Salaries:		
Chief of Staff	($46,500)	
Officers and employees	(3,252,339)	
Materials and Supplies	(1,046,880)	
Services Other Than Personal	(351,391)	
Maintenance of Property:		
Recurring	(161,550)	
Non-recurring and replacements	(346,475)	
Extraordinary:		
Governor's Youth Program	(40,000)	
New Jersey Military Academy	(27,000)	
Compensation awards	(72,000)	
Additions and Improvements	(62,400)	

Receipts derived from rental of armories are hereby appropriated for operation and maintenance thereof.

The unexpended balance as of June 30, 1978 in the Mess Hall, Sea Girt revolving fund, and the receipts derived from the sale of meals, are hereby appropriated for operating costs of the Mess Hall, Sea Girt.

Total Appropriation, Department of Defense	$5,406,535

DEPARTMENT OF ENERGY

Regulation of Industry

14300. Regulation of Public Utilities

14310-350.	Economic Regulation	$975,936
14320-350.	Service Adequacy and Safety	1,378,980
14330-350.	Cable Television	250,103
14390-350.	Administration and Support	2,294,289
	Total Appropriation	$4,899,308

Salaries:	
President	($49,000)
Board members (2 @ $49,000)	(98,000)
Officers and employees	(3,180,261)
Positions established from lump sum appropriation	(228,270)
New positions	(406,029)
Materials and Supplies	(73,100)
Services Other Than Personal	(327,848)
Maintenance of Property:	
Recurring	(3,800)
Extraordinary:	
Bus operators subsidy (C48:3–39)	(500,000)
Additions and Improvements	(33,000)

In addition to the sum hereinabove, such other sums as the Director of the Division of Budget and Accounting shall determine, are hereby appropri-

ated on behalf of the Department of Energy in order to comply with the provisions of C48:2–59 et seq. and C48:5A–32 et seq., or other applicable statutes, with respect to assessment of public utilities or assessment of the cable television industry.

Within the limits of funds hereinabove for Bus operators subsidy, the Board of Public Utilities shall provide for a reduced student fare program (C48:3–39).

Education and Intellectual Development

34500. Public Broadcasting

34510-352.	New Jersey Public Broadcasting Authority	$3,901,130
	Total Appropriation	$3,901,130

Salaries:	
Officers and employees	($1,986,470)
Materials and Supplies	(368,772)
Services Other Than Personal	(379,644)
Maintenance of Property:	
Recurring	(107,834)
Non-recurring and replacements	(25,000)
Extraordinary:	
Programming	(875,000)
Grant from the State of New Jersey for the purpose of producing the lottery drawing program	(125,000)
Promotional expenses	(32,410)
Additions and Improvements	(1,000)

The unexpended balance as of June 30, 1978 in the revolving fund for the purpose of printing and purchasing publications and materials for sale, and the receipts derived from such sales, are hereby appropriated.

The unexpended balance as of June 30, 1978, and the receipts derived from the leasing of space on transmitter towers, the rental of studio or produc-

tion facilities to non-profit organizations and the sale or reproduction of Authority produced programs are hereby appropriated.

The unexpended balance as of June 30, 1978 in the WNET collaborative news program account, and the receipts derived therefrom, are hereby appropriated.

Department Management and Energy Development

41500. Energy Resource Management

41510-350.	Energy Planning and Conservation	$513,639
41590-350.	Management and General Support	216,916
	Total Appropriation	$730,555

Salaries:		
Commissioner	($49,000)	
Officers and employees	(313,845)	
New positions	(51,465)	
Materials and Supplies	(7,600)	
Services Other Than Personal	(292,645)	
Additions and Improvements	(16,000)	
Total Appropriation, Department of Energy		$9,530,993

DEPARTMENT OF HEALTH

Personal Health

22100. Prevention, Treatment and Rehabilitation

22110-360.	Community Health Services	$8,087,247
22120-360.	Epidemiology and Communicable Disease Control	1,082,585
22130-360.	Narcotics and Drug Abuse Control	5,766,579
22140-360.	Alcoholism Control	750,000
	Total Appropriation	$15,686,411

Salaries:		
Officers and employees	($5,653,112)	

Positions established from lump sum appropriation	(	164,829)
Materials and Supplies	(	976,031)
Services Other Than Personal	(	697,660)
Maintenance of Property:		
Recurring	(	10,000)
Extraordinary:		
Chronic renal disease	(	750,000)
Hemophilia	(	621,000)
Juvenile terminal illness assistance	(	30,000)
Family planning services, including genetic counseling	(	150,000)
Hospitalization and convalescent care of handicapped children	(	2,006,000)
Emergency medical services	(	177,000)
Hypothyroid screening	(	156,000)
Tuberculosis services	(	685,000)
Chronic disease services	(	166,000)
Testing for specific hereditary diseases	(	115,000)
Laetrile program (C24:6F–1 et seq.)	(	200,000)
Cancer incidence registry (C26:2–104 et seq.)	(	100,000)
Venereal disease clinics	(	40,000)
State addiction service, inpatient unit	(	525,000)
Community drug program (State share)	(	1,541,000)
Therapeutic residential school at Long Branch	(	135,000)
Vocational adjustment centers	(	100,000)
Outpatient alcoholism clinics	(	687,779)

The unexpended balance as of June 30, 1978 for inpatient medical services for tuberculosis patients in the Services Other Than Personal account shall be available for the payment of obligations applicable to prior fiscal years.

The appropriation for the Hospitalization and convalescent care of handicapped children shall be available for the payment of obligations applicable to prior fiscal years.

The unexpended balance as of June 30, 1978 in Cancer incidence registry (C26:2–104 et seq.) is hereby appropriated.

The Divisions of Alcoholism and Narcotics and Drug Abuse Control are hereby authorized to bill a patient's estate, or the person chargeable for his support, or the county of residence, for institutional support of patients treated at addiction services inpatient units.

There is hereby appropriated, subject to the approval of the Trust Advisory Board, the balance as of June 30, 1978, from the Attorney General of New Jersey Public Health Trust, for the operation of the Therapeutic Residential School at Long Branch.

The unexpended balance as of June 30, 1978 in Upgrading private and public substance abuse treatment facilities to meet life safety code licensing requirements (PL 1977, c. 137), is hereby appropriated.

There are hereby appropriated from the Rabies Control Fund such sums as may be required for costs of operation of the Rabies control program.

Notwithstanding the provisions of RS 26:4–78 et seq., $100,000 of the unexpended balance as of June 30, 1978 in the Rabies Control Fund shall lapse to the credit of the General State Fund.

The unexpended balance as of June 30, 1978 in the revolving fund for the purpose of printing literature, codes and manuals for sale, and receipts derived from such sales, are hereby appropriated.

Health Care Management

23100. Health Care Facilities Administration

23110-360.	Health Facilities Evaluation	$842,736
23120-360.	Health Planning and Resource Development	1,515,539
	Total Appropriation	$2,358,275

Salaries:	
Officers and employees	($1,173,660)
Positions established from lump sum appropriation	(129,901)
Positions transferred from other subcategories	(112,159)
New positions	(142,110)
Materials and Supplies	(25,500)
Services Other Than Personal	(196,945)
Maintenance of Property:	
Recurring	(1,000)
Extraordinary:	
State support for areawide planning agencies	(60,000)
Health services for migrant workers	(65,000)
Planning and development of urban health services	(322,000)
Training and audit program	(40,000)
Prospective reimbursement system —Diagnosis related groups	(90,000)

The unexpended balance as of June 30, 1978 in the revolving fund for the purpose of providing management information to health agencies, and receipts from the sale of this management information, are hereby appropriated for the same purpose.

Laboratory Support and Services

24100. Supporting Laboratory Services

24110-360.	Diagnostic Services	$1,746,386
24120-360.	Clinical Laboratory Improvement	272,956
	Total Appropriation	$2,019,342

Salaries:	
Officers and employees	($1,354,493)
Positions established from lump sum appropriation	(108,514)
Materials and Supplies	(385,000)
Services Other Than Personal	(66,335)

Maintenance of Property:		
Recurring	(10,000)	
Non-recurring and replacements	(20,000)	
Extraordinary:		
Research and development	(75,000)	

The unexpended balance as of June 30, 1978 in the Laboratory revolving fund, and receipts from charges for such services, are hereby appropriated.

The unexpended balance as of June 30, 1978 in the Fees from the licensing of clinical laboratories account, and receipts from fees established by the Commissioner of Health for licensing of clinical laboratories, are hereby appropriated.

Department Management, General Support, Special Programs

29100. Management, Support and Special Programs

29110-360	Management Services and General Support	$2,524,393
29120-360.	Vital Statistics and Registration	324,234
	Total Appropriation	$2,848,627
Salaries:		
Commissioner	($49,000)	
Officers and employees	(1,617,824)	
Positions transferred from other subcategories	(82,127)	
Materials and Supplies	(55,000)	
Services Other Than Personal	(869,876)	
Maintenance of Property:		
Recurring	(19,000)	
Non-recurring and replacements	(12,800)	
Extraordinary:		
Drug utilization review council (C24:6E–1 et seq.)	(81,000)	
Compensation awards	(62,000)	
Total Appropriation, Department of Health		$22,912,655

DEPARTMENT OF LABOR AND INDUSTRY

Income Security and Human Resource Development

52100. Economic and Medical Assistance to Unemployed and Disabled Workers

52120-380.	Disability Insurance—State Plan	$3,632,698
52130-380.	Disability Insurance—Private Plan	1,463,046
52140-380.	Workers' Compensation	2,921,374
52150-380.	Special Compensation Fund	725,263
	Total Appropriation	$8,742,381

Salaries:	
Officers and employees	($6,952,713)
New positions	(77,301)
Materials and Supplies	(150,850)
Services Other Than Personal	(1,518,117)
Maintenance of Property:	
Recurring	(14,732)
Non-recurring and replacements	(13,168)
Extraordinary:	
Compensation awards	(15,000)
Additions and Improvements	(500)

The amounts hereinabove for Disability Insurance —State Plan and Disability Insurance—Private Plan shall be payable out of the State Disability Benefits Fund and in addition to the amounts hereinabove, there are hereby appropriated out of the State Disability Benefits 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.

Notwithstanding the $12,500 limitation contained in RS 34:15-95, the amount hereinabove for Special Compensation Fund shall be payable out of such Fund and, in addition to the amounts hereinabove, there are hereby appropriated out of the Special Compensation Fund such additional sums as may be required for costs of administration beneficiary payments.

The State Treasurer is hereby empowered and directed to transfer to the General State 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, 1978 (RS 34:15-94).

52200. Manpower Development and Employment Assistance

52210-380.	Work Incentive Program	$502,000
52240-380.	Vocational Rehabilitation Services	5,244,754
52250-380.	Services for the Deaf	111,847
	Total Appropriation	$5,858,601

Salaries:	
Officers and employees	($996,834)
Positions established from lump sum appropriation	(49,397)
Materials and Supplies	(21,100)
Services Other Than Personal	(171,820)
Maintenance of Property:	
Recurring	(1,700)
Non-recurring and replacements	(1,500)
Extraordinary:	
Work Incentive Program	(502,000)
Training grants	(2,500)
Services to clients	(2,115,250)
Expansion grants	(150,000)
Sheltered workshop support	(1,825,000)
Services to deaf clients	(19,000)
Advisory council on the deaf	(1,500)
Additions and Improvements	(1,000)

The unexpended balance as of June 30, 1978, is hereby appropriated; provided, however, that the amount for the Vocational rehabilitation services program element not exceed $300,000.

The amount hereinabove for the Work incentive program is hereby appropriated out of the Unemployment Compensation Auxiliary Fund.

The sum hereinabove for the Vocational rehabilitation services program element shall be available for the payment of obligations applicable to prior fiscal years.

Labor Standards and Labor Relations

54200. Labor Standards

54230-380.	Workplace Standards—Promulgation and Licensing	$350,992
54240-380.	Workplace Standards—Enforcement	2,328,629
	Total Appropriation	$2,679,621

Salaries:		
Officers and employees	(	$2,078,464)
New positions	(	77,420)
Materials and Supplies	(	33,940)
Services Other Than Personal	(	366,915)
Maintenance of Property:		
Recurring	(	2,100)
Non-recurring and replacements	(	7,000)
Extraordinary:		
Carnival Amusement Ride Safety Advisory Board	(	1,650)
On-site consultation (State share)	(	95,000)
Compensation awards	(	8,632)
Additions and Improvements	(	8,500)

There are hereby appropriated out of the Wage and Hour Trust Fund and the Prevailing Wage Act Trust Fund such sums as may be necessary for payments.

54300. Labor Relations

54310-380.	Public Sector	$1,112,674
54320-380.	Private Sector	295,036
	Total Appropriation	$1,407,710

Salaries:		
Board members (7)	(	$9,000)
Officers and employees	(	1,008,575)
New positions	(	35,827)
Materials and Supplies	(	19,445)
Services Other Than Personal	(	325,213)

Maintenance of Property:	
Recurring	(2,150)
Additions and Improvements	(7,500)

Notwithstanding the provisions of C34:13A–1 et seq., the cost of fact-finding shall be borne equally by the public employer and the exclusive employee representative.

Of the sum provided for Public sector, an amount of $45,000 shall be provided for the annual salary of the Chairman of the Public Employee Relations Commission.

Department Management and Economic Development

59100. Department Management and General Support

59110-380.	Department Management	$428,339
59120-380.	Planning and Research	369,452
	Total Appropriation	$797,791

Salaries:	
Commissioner	($49,000)
Officers and employees	(553,131)
Position transferred from another subcategory	(6,645)
Materials and Supplies	(19,440)
Services Other Than Personal	(121,181)
Maintenance of Property:	
Recurring	(3,400)
Non-recurring and replacements	(500)
Extraordinary:	
Statistical reporting (State share)	(43,894)
Additions and Improvements	(600)

The unexpended balance as of June 30, 1978, in the revolving fund for the purpose of printing literature, maps, Workers' Compensation proceedings and other publications and printed matter for sale, and receipts derived from such sales, are hereby appropriated.

There are hereby appropriated as a revolving fund the receipts derived from services rendered by the Data Processing Center, and the unexpended balance of such receipts as of June 30, 1978, for the purpose of operating the Data Processing Center, including the replacement of data processing equipment and the purchase of additional data processing equipment.

The Director of the Division of Budget and Accounting is hereby empowered to transfer or credit to the Data Processing Center from the various appropriations made to departments for data processing costs which are appropriated or allocated to such departments for their share of such costs.

*59200. Economic Development**

59210-380.	Expansion and Growth of Commerce and Industry	$2,422,060*
59220-380.	Travel and Tourism	1,500,000*
	Total Appropriation	$4,122,060

Salaries:	
Officers and employees	($761,379)
Positions established from lump sum appropriation	(68,468)
Positions established from appropriated revenues	(223,474)
Materials and Supplies	(70,000)
Services Other Than Personal	(365,500)
Maintenance of Property:	
Recurring	(9,000)
Non-recurring and replacements	(2,750)
Extraordinary:	
Economic Development Assistance Act of 1966	(250,000)
State office—World Trade Center	(46,000)
New Jersey Motion Picture and Television Development Commission	(264,739)

Jobs transportation	(350,000)*	
Operation of the Division of Travel and Tourism	(1,300,000)	
Establishment of a Central Jersey Ethnic Heritage and Cultural Center	(200,000)*	
Additions and Improvements	(10,750)	

The unexpended balance, in excess of $150,000, as of June 30, 1978 in this account is hereby appropriated.

The amount hereinabove, in excess of $250,000, for the Economic Development subcategory is hereby appropriated out of the Unemployment Compensation Auxiliary Fund.

The amount hereinabove for operation of the Division of Travel and Tourism shall not be available for expenditure until a spending plan is submitted to and approved by the Governor.

59300. South Jersey Port Corporation

59310-380.	South Jersey Port Corporation	$714,000
	Total Appropriation	$714,000

Extraordinary:		
Property Tax Reserve Fund Requirement (C12:11A–20)	($714,000)	
Total Appropriation, Department of Labor and Industry		$24,122,164*

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Environmental Management

41300. Resource Management

41310-400.	Potable Water and Flood Plain Management	$1,270,308
41320-400.	Forest Resource Management	1,951,069
41330-400.	Marine Lands Management	1,329,081

41340-400.	Solid Waste Management	821,931
41350-400.	Shellfish Resource and Development	247,750
41360-400.	Water Resources—Planning and Management	1,024,055
41370-400.	Wildlife and Fisheries Management:	
	Hunters' and Anglers' License Fund	3,992,120
	Endangered Species and Marine Fisheries Program	98,000
41380-400.	Water Supply Facilities	316,244
	Total Appropriation	$11,050,558

Salaries:		
Officers and employees	($5,553,103)	
Positions established from lump sum appropriation	(224,636)	
Positions transferred from other subcategories	(122,041)	
New positions	(40,116)	
Materials and Supplies	(1,143,942)	
Services Other Than Personal	(1,564,310)	
Maintenance of Property:		
Recurring	(290,770)	
Non-recurring and replacements	(631,785)	
Extraordinary:		
Flood plain regulation and delineation	(300,000)	
Fire fighting costs	(200,000)	
Expenses of the Natural Resource Council	(45,000)	
Delineation and determination of State riparian land	(450,000)	
Groundwater monitoring, well analyses	(25,350)	
Hazardous waste program	(60,000)	
Storing, loading and planting of oyster shells (C50:3–20.17)	(15,000)	
Surf clam research and inventory	(35,000)	
Oyster Drill Control	(18,600)	
Compensation awards	(46,500)	
Office of Rivermaster (State share)	(30,000)	

Protection of endangered and non-game wildlife species	(48,000)
Marine fisheries program	(50,000)
Additions and Improvements	(156,405)

The unexpended balances as of June 30, 1978 in the Flood plain regulation and delineation and Fire fighting costs accounts are hereby appropriated for the same purposes.

The amount hereinabove for delineation and determination of State riparian land shall be from receipts derived from the sales, grants, leases and rentals of State riparian lands, and any receipts in excess of such amount, not to exceed $650,000, are hereby appropriated for the same purpose.

The unexpended balance as of June 30, 1978 in the revolving fund for the purpose of providing appraisal services for conveyance of riparian properties within the Hackensack Meadowlands District and receipts derived from the sale of riparian properties which represent reimbursements for appraisal services, are hereby appropriated.

The unexpended balance as of June 30, 1978 in the revolving fund for the purpose of printing or purchasing literature, material and maps for sale, and receipts derived from such sales, are hereby appropriated.

Excess receipts collected from sea clam licenses are hereby appropriated for program costs.

The amount hereinabove for the Hunters' and Anglers' License Fund shall be payable out of said Fund and any amount remaining therein, in addition to the unexpended balances as of June 30, 1978, are hereby appropriated for additional operating costs. If receipts to said Fund are less than anticipated, the appropriation shall be reduced correspondingly.

Receipts derived from the sale of materials encouraging the protection of endangered and non-game wildlife species are hereby appropriated for carrying out a program of protection of endangered and non-game wildlife species.

There is hereby appropriated for operation and maintenance of Spruce Run and Round Valley Reservoirs a sum not to exceed $995,000 out of aggregate revenue collected (C58:22–10).

The balance of the accumulated aggregate revenue is hereby appropriated as reimbursement to the General State Fund (C58:22–10).

The sum of $21,493 is hereby appropriated from the Clean Waters Fund for increased costs of the Upper Raritan Watershed Waste Water Facilities Plan.

The sum of $600,000 is hereby appropriated or reallocated from the Water Conservation Fund for the purpose of a grant to the Gloucester County Sewerage Authority, as the State share of up to 20% of the cost of renovation of a sludge treatment unit and expansion of plant capacity.

41400. Pollution Control

41410-400.	Air Pollution	$1,841,731
41420-400.	Radiation Protection	619,076
41430-400.	Pesticide Control	60,000
41440-400.	Water Pollution	1,381,843
41450-400.	Noise Control	75,000
41460-400.	Public Waste Water Facilities	75,000
41470-400.	Hazardous Substance Control	660,000
	Total Appropriation	$4,712,650

Salaries:

Officers and employees	($2,255,642)
Positions transferred from another subcategory	(308,890)
New position	(13,157)

Materials and Supplies	(219,100)
Services Other Than Personal	(650,741)
Maintenance of Property:	
Recurring	(93,000)
Non-recurring and replacements	(134,920)
Extraordinary:	
Radiation analyses—Safe Drinking Water Act	(50,000)
Certification of nuclear medicine technicians	(43,500)
Pesticide control	(60,000)
Noise control	(75,000)
Compensation awards	(7,500)
Hazardous substance control	(660,000)
Additions and Improvements	(141,200)

Excess receipts collected on behalf of the Air pollution, Radiation protection and Pesticide control programs are hereby appropriated.

The unexpended balances as of June 30, 1978 in the Maintenance of Property: Non-recurring and replacements, and Additions and Improvements accounts in the Air pollution program are hereby appropriated for the same purposes.

The Commissioner of Environmental Protection shall establish fees for the training of pesticide applicators, and receipts derived from such fees, are hereby appropriated to carry out the training program.

The unexpended balance as of June 30, 1978, in excess of $200,000, in the Administration of water pollution control act (C58:10A–1 et seq.) account is hereby appropriated for the same purpose.

There is hereby allocated from funds previously appropriated from the Water Conservation Fund the sum of $1,850,000 for costs attributable to planning, engineering, developing and constructing regional waste water treatment facilities.

The unexpended balance as of June 30, 1978 in the Public waste water facilities program element is hereby appropriated for the same purpose.

The amount hereinabove for the Hazardous substance control program is hereby appropriated from the New Jersey Spill Compensation Fund.

There is hereby appropriated from the New Jersey Spill Compensation Fund, after notice to the Subcommittee on Transfers of the Joint Appropriations Committee, so much as may be required for clean-up costs in conjunction with the discharge of hazardous substances.

A sum not to exceed $300,000 is hereby appropriated from interest earned by the New Jersey Spill Compensation Fund for research on the prevention and the effects of spills of hazardous substances on the marine environment and to develop improved clean-up and removal operation methods.

Recreation Management

46100. Recreation Opportunities

46110-400.	Parks Management	$8,801,199
46120-400.	Recreational Boating	1,445,228
46120-400.	Boat Regulation	945,841
46130-400.	Marina Operations	354,276
	Total Appropriation	$11,546,544

Salaries:		
Officers and employees	($6,374,541)	
Positions transferred from another subcategory	(63,399)	
New positions	(84,000)	
Materials and Supplies	(1,225,205)	
Services Other Than Personal	(766,364)	
Maintenance of Property:		
Recurring	(725,800)	
Non-recurring and replacements	(792,035)	
Extraordinary:		
Maintenance, Old Barracks, Trenton (State share)	(68,200)	

Expenses of the Delaware and Raritan Canal Commission	(115,000)
Youth conservation and recreation projects	(200,000)
Youth recreation projects to provide day-trip and camping opportunities for youngsters from lower and moderate income families	(400,000)
Construction, maintenance, improvement and dredging of inland waterways; bulkheading and dredging at State marinas; dredging State-controlled lakes	(400,000)
Compensation awards	(48,000)
Additions and Improvements	(284,000)

The unexpended balance as of June 30, 1978 in the revolving fund for the purchase of merchandise for sale, and receipts derived from such sales, are hereby appropriated.

$3,000,000, or such sum as the Director of the Division of Budget and Accounting shall determine, of the amount provided for Parks management first shall be charged to funds anticipated from the Federal government as Antirecession fiscal assistance.

The amount hereinabove for the operation, maintenance and administration of Morris Canal and Banking Company properties shall be payable out of the Morris Canal Fund and there shall be refunded to the General State Fund such amounts as have been advanced from said Fund to the Morris Canal Fund whenever and to the extent that cash in the Morris Canal Fund exceeds the liabilities thereof.

The unexpended balance as of June 30, 1978 in the Construction, maintenance, improvement and dredging of inland waterways; bulkheading and dredging at State marinas; dredging State-controlled lakes account, is hereby appropriated for the same purposes.

The unexpended balance in the Weed control for Lake Hopatcong and Lake Musconetcong account is hereby appropriated for Weed control for Lake Hopatcong, Lake Musconetcong and Budd Lake.

The amount hereinabove for the Boat regulation program element, shall be payable out of the New Jersey Boat Numbering Act revolving fund (C12:7–34.36 et seq.), and any amount remaining therein is hereby appropriated.

Receipts in excess of those anticipated from marina operations are hereby appropriated for maintenance of marina facilities.

Management and General Support

49100. Department Management

49110-400.	Department Management and Administrative Services	$2,141,909
49130-400.	Scientific Planning and Research	1,796,481
	Total Appropriation	$3,938,390

Salaries:		
Commissioner	(	$49,000)
Officers and employees	(	1,582,128)
Positions transferred from other subcategories	(	151,880)
New positions	(	25,467)
Materials and Supplies	(	52,725)
Services Other Than Personal	(	815,915)
Maintenance of Property:		
Recurring	(	8,450)
Non-recurring and replacements	(	1,925)
Extraordinary:		
Board of New Jersey Pilot Commissioners	(	40,400)
Compensation awards	(	6,000)
Monitor the environment for cancer-causing agents and other hazardous or toxic substances	(	1,200,000)
Additions and Improvements	(	4,500)

The amount in the Board of New Jersey Pilot Commissioners account shall be payable out of receipts, and any receipts in excess of the amounts specifically set forth above are hereby appropriated.

Excess receipts derived from examination of X-ray technicians are hereby appropriated for enforcement purposes.

The unexpended balance as of June 30, 1978 and the fees deposited in the Environmental Services Fund (C13:1D–29 et seq.) are hereby appropriated for the purposes of the Fund.

The unexpended balance as of June 30, 1978 in the To monitor the environment for cancer-causing agents and other hazardous or toxic substances account is hereby appropriated for the same purposes.

The unexpended balance as of June 30, 1978 in the revolving fund for the purpose of printing or purchasing literature, material and maps for sale, and receipts derived from such sales, are hereby appropriated.

Total Appropriation, Department of Environmental Protection	$31,248,142

DEPARTMENT OF EDUCATION

Programs for Special Groups and Limited Purposes

32100. Field Services Programs

32120-500.	Facilities Planning	$579,307
32130-500.	Pupil Transportation	223,874
32140-500.	Adult and Continuing Education	352,034
32160-500.	Teacher Certification	391,846
32170-500.	School Nutrition	141,200
	Total Appropriation	$1,688,261

Salaries:	
Officers and employees	($1,273,051)
Materials and Supplies	(26,450)
Services Other Than Personal	(388,260)

Maintenance of Property:
Recurring ..... (500)

The unexpended balance as of June 30, 1978 in the Inspection of school construction account, and receipts derived therefrom, are hereby appropriated for the same purpose.

The unexpended balances as of June 30, 1978 in the General education development test and other high school equivalency tests and the Adult basic education film revolving funds, and receipts derived therefrom, are hereby appropriated for the same purposes.

The unexpended balance as of June 30, 1978 in the Facilities workshop revolving fund, and receipts derived therefrom, are hereby appropriated for the same purpose.

32200. Controversies and Disputes

32220-500.	Resolution of School Controversies and Disputes	$505,810
	Total Appropriation	$505,810

Salaries:
Officers and employees ..... ($385,575)
Materials and Supplies ..... (7,200)
Services Other Than Personal ..... (113,035)

Upon enactment of Senate No. 766 or similar legislation, $210,000 of the amount hereinabove for Resolution of school controversies and disputes shall be placed in reserve, and any balance remaining in such account shall be transferred to the Office of Administrative Law created by such bill.

32300. School Programs

32320-500.	Special Education	$970,231
32330-500.	Bilingual Education	342,480
32340-500.	Compensatory Education	172,414
32350-500.	Curriculum Process	144,042*

32360-500.	Educational Improvement Centers—Regional Services	2,178,403
32370-510.	Education Program—Garden State School District	560,213
	Total Appropriation	$4,457,783

Salaries:		
Officers and employees	(	$1,563,630)
Position transferred from another subcategory	(	21,988)
Materials and Supplies	(	58,800)
Services Other Than Personal	(	553,365)
Extraordinary:		
Bilingual education pilot projects	(	170,000)
Programs for the gifted	(	100,000)
Innovative education grants	(	*)
Educational improvement centers	(	1,900,000)

The unexpended balance as of June 30, 1978 in the Education Program—Garden State School District element is hereby appropriated for the same purpose.

Satellite educational improvement centers in Sussex and Bergen counties shall be maintained.

32500. Vocational Education Programs

32520-500.	Special Programs	$419,066
32530-500.	General Vocational Education	669,769
32540-500.	Occupational Career Research	167,179
32560-500.	Project COED	1,712,601
	Total Appropriation	$2,968,615

Salaries:		
Officers and employees	(	$2,244,313)
Positions established from lump sum appropriation	(	123,736)
Materials and Supplies	(	277,377)
Services Other Than Personal	(	171,273)
Maintenance of Property:		
Recurring	(	21,300)

Extraordinary:		
Career education	(100,000)	
Compensation awards	(5,616)	
Additions and Improvements	(25,000)	

The unexpended balance as of June 30, 1978 in the revolving fund—COED cafeteria account, and receipts derived therefrom are hereby appropriated for the same purpose.

Direct Public Services

34100. Services for the Handicapped

34110-535.	Marie H. Katzenbach School for the Deaf	$2,553,100
34130-500.	Regional Schools for the Handicapped	10,000
	Total Appropriation	$2,563,100

Salaries:	
Officers and employees	($1,944,565)
Materials and Supplies	(310,970)
Services Other Than Personal	(60,705)
Maintenance of Property:	
Recurring	(41,800)
Non-recurring and replacements	(83,300)
Extraordinary:	
Transportation expenses for students	(109,440)
Planning for regional day school programs	(10,000)
Additions and Improvements	(2,320)

The unexpended balance as of June 30, 1978 in the Millburn Avenue School for the Hearing Handicapped account, and receipts derived from tuition charges, are hereby appropriated for the costs of such operation.

Provisions of NJS 18A:61-1 and NJS 18A:46-13 notwithstanding, tuition to cover all additional necessary operating expenses of the Marie H. Katzenbach School for the Deaf shall be paid by local boards of education, each local board paying

that portion of costs which the number of its handicapped pupils bears to the entire number of handicapped children in the school.

The unexpended balance as of June 30, 1978 in the Tuition receipt account of the Marie H. Katzenbach School for the Deaf, and receipts derived from tuition charges, are hereby appropriated for necessary operating expenses.

The unexpended balances as of June 30, 1978 in the Non-recurring and replacements accounts are hereby appropriated.

34200. Programs for the State Library and Historical Commission

34210-520.	State Library	$1,971,010
34220-520.	New Jersey Historical Commission	338,792
	Total Appropriation	$2,309,802

Salaries:	
Officers and employees	($1,537,340)
New position	(13,157)
Materials and Supplies	(429,790)
Services Other Than Personal	(278,615)
Maintenance of Property:	
Recurring	(2,400)
Non-recurring and replacements	(3,000)
Extraordinary:	
Senator James F. Murray, Jr. Historian Fund for New Jersey history	(40,000)
Additions and Improvements	(5,500)

The unexpended balances as of June 30, 1978 in the Microfilm, New Jersey Archives Publication, New Jersey Historical Commission Publication and Data Base Searches revolving funds, and receipts derived therefrom, are hereby appropriated for the same purposes.

34300. Programs for the State Museum

34310-530.	State Museum	$1,337,658
	Total Appropriation	$1,337,658

Salaries:	
Officers and employees	($1,047,194)
Materials and Supplies	(76,450)
Services Other Than Personal	(121,114)
Maintenance of Property:	
Recurring	(20,400)
Non-recurring and replacements	(11,000)
Extraordinary:	
Acquisition of art and historical objects	(60,000)
Additions and Improvements	(1,500)

The unexpended balance as of June 30, 1978 in the Museum Shop revolving fund, and receipts derived therefrom, are hereby appropriated for the purposes of the fund, including the acquisition of art and historical objects.

The unexpended balances as of June 30, 1978 in the Films and Museum Auditorium revolving funds, and receipts derived therefrom, are hereby appropriated for the same purposes.

The unexpended balances as of June 30, 1978 in the Non-recurring and replacements accounts are hereby appropriated.

Department Planning, Management and General Support

39100. Department Planning and Management

39110-500.	Administration	$1,916,183
39120-500.	Commissioner's Office	258,452
39130-500.	Research, Planning and Evaluation	1,225,854
	Total Appropriation	$3,400,489

Salaries:		
Commissioner	(	$49,000)
Officers and employees	(	1,764,993)
Position transferred from another subcategory	(	7,593)
New positions	(	35,799)
Materials and Supplies	(	202,185)
Services Other Than Personal	(	1,208,919)
Maintenance of Property:		
Recurring	(	17,000)
Non-recurring and replacements	(	17,000)
Extraordinary:		
State Board of Education expenses	(	18,000)
Minimal standards	(	80,000)

The unexpended balance as of June 30, 1978 in the revolving fund for printing and purchasing school law decisions, and other publications and printed materials, and receipts derived therefrom, are hereby appropriated for the same purpose.

The unexpended balance as of June 30, 1978 in the revolving fund School election account, and receipts derived therefrom, are hereby appropriated for the same purpose.

39500. Management of Field Operations

39520-500.	Equal Education Opportunity	$128,477
39530-500.	Office of School Approval	4,460,332
	Total Appropriation	$4,588,809

Salaries:		
County superintendents	(	$765,962)
Officers and employees	(	3,337,291)
Positions transferred from another subcategory	(	34,993)
New positions	(	109,393)
Materials and Supplies	(	48,400)
Services Other Than Personal	(	288,770)
Additions and Improvements	(	4,000)
Total Appropriation, Department of Education		$23,730,327*

The sums hereinafter set forth are hereby appropriated to the Department of Education, from the State Lottery Fund:

Education Program—Garden State School District	($500,000)
Project COED	(1,500,000)
Total Appropriation from the State Lottery Fund	($2,000,000)

DEPARTMENT OF HIGHER EDUCATION

39000. Department Management and General Support

39110-540.	Administration	$2,919,552
39230-540.	Support of Independent Higher Education Institutions	13,119,700*
39910-540.	New Jersey Educational Opportunity Fund	12,688,669
39920-540.	Scholarships, Grants and Loans	25,940,000
39930-540.	Student Assistance Administration	1,871,834
	Total Appropriation	$56,771,995

Salaries:		
Chancellor	(	$49,000)
Officers and employees	(	2,348,231)
New positions	(	153,947)
Materials and Supplies	(	138,945)
Services Other Than Personal	(	873,689)
Maintenance of Property:		
Recurring	(	7,450)
Non-recurring and replacements	(	2,500)
Extraordinary:		
Board of Higher Education expenses	(	6,000)
Program development	(	200,000)
College information system and higher education management system	(	140,000)
State and county college councils	(	4,000)
Basic skills assessment program	(	450,000)
Marine sciences consortium	(	200,000)

Faculty career development—State colleges	(	190,000)
Veterinary education program	(	801,700)
Aid to independent colleges and universities	(	8,303,000)*
Library support to Felician College in Lodi	(	50,000)
Schools of professional nursing	(	1,500,000)
Dental school aid	(	2,465,000)
Supplementary education program grants	(	3,798,153)
Opportunity program grants	(	8,890,516)
Graduate fellowships	(	100,000)
Public tuition aid grants	(	435,000)
Basic scholarships	(	3,640,000)
Incentive grants	(	1,311,000)
Tuition aid grants (NJS 18A:71–41 et seq.)	(	1,243,000)
County college graduate scholarships	(	87,000)
Garden State scholarships	(	1,340,000)
Tuition aid grants (NJS 18A:71–42 et seq.)	(	17,784,000)
Educational Opportunity Fund Board expenses	(	2,500)
Additions and Improvements	(	25,124)

The unexpended balances as of June 30, 1978 in the Extraordinary accounts, excluding the New Jersey Educational Opportunity Fund and Scholarships, Grants and Loans accounts, are hereby appropriated.

The unexpended balances as of June 30, 1978 in the New Jersey Educational Opportunity Fund and Scholarships, Grants and Loans accounts, not to exceed $2,000,000, are hereby appropriated to the new Tuition Aid Grants programs (NJS 18A:71–42 et seq.) within the Scholarships, Grants and Loans account.

An amount not to exceed $50,000 in the Aid to independent colleges and universities account is hereby available for administrative expenses.

33000. Higher Education

State Colleges Programs

545. Thomas A. Edison College of New Jersey

33970.	Institutional Support	$709,523
	Total Appropriation	$709,523
Salaries:		
	Officers and employees	($508,316)
Materials and Supplies		(60,289)
Services Other Than Personal		(130,418)
Maintenance of Property:		
	Recurring	(1,500)
Additions and Improvements		(9,000)

The unexpended balance as of June 30, 1978 in this account, and receipts from fees, are hereby appropriated.

550. Glassboro State College

33110.	Instruction	$10,002,300
33950.	Academic Support	996,078
33960.	Student Services	1,705,303
33970.	Institutional Support	4,981,936
	Total Appropriation	$17,685,617
Salaries:		
	Officers and employees	($13,132,450)
	Student aides	(200,000)
Materials and Supplies		(1,718,609)
Services Other Than Personal		(1,233,327)
Maintenance of Property:		
	Recurring	(168,160)
	Non-recurring and replacements	(82,694)
Extraordinary:		
	NDEA student loan program (State share)	(60,111)
	College work-study program (State share)	(175,292)
	Academic development	(585,000)
Additions and Improvements		(329,974)

551. Jersey City State College

33110.	Instruction	$9,166,519
33950.	Academic Support	870,058
33960.	Student Services	1,313,768
33970.	Institutional Support	4,241,847
	Total Appropriation	$15,592,192

Salaries:	
Officers and employees	($10,914,812)
Student aides	(176,000)
Materials and Supplies	(1,567,024)
Services Other Than Personal	(793,000)
Maintenance of Property:	
Recurring	(200,500)
Non-recurring and replacements	(191,000)
Extraordinary:	
Academic development	(514,000)
A. Harry Moore Laboratory School	(694,856)
NDEA student loan program (State share)	(30,000)
College work-study program (State share)	(135,000)
Compensation awards	(30,000)
Additions and Improvements	(346,000)

The unexpended balances, as of June 30, 1978 and all tuition and other receipts from the operation of the A. Harry Moore Laboratory School of Jersey City State College are hereby appropriated for operating expenses of the School.

552. Kean College of New Jersey

33110.	Instruction	$10,324,184
33950.	Academic Support	1,443,040
33960.	Student Services	1,720,954
33970.	Institutional Support	5,656,864
	Total Appropriation	$19,145,042

Salaries:	
Officers and employees	($13,861,530)
Student aides	(200,000)
Materials and Supplies	(2,068,638)
Services Other Than Personal	(1,087,800)
Maintenance of Property:	
Recurring	(233,000)
Non-recurring and replacements	(302,155)
Extraordinary:	
NDEA student loan fund (State share)	(24,000)
College work-study program (State share)	(60,000)
Academic development	(633,000)
Additions and Improvements	(674,919)

553. The William Paterson College of New Jersey

33110.	Instruction	$11,808,958
33950.	Academic Support	1,019,336
33960.	Student Services	1,633,605
33970.	Institutional Support	6,115,651
	Total Appropriation	$20,577,550

Salaries:	
Officers and employees	($14,934,562)
Student aides	(300,000)
Materials and Supplies	(2,178,235)
Services Other Than Personal	(984,907)
Maintenance of Property:	
Recurring	(321,000)
Non-recurring and replacements	(320,805)
Extraordinary:	
NDEA student loan fund (State share)	(3,200)
College work-study program (State share)	(93,750)
Academic development	(677,000)
Compensation awards	(4,306)
Additions and Improvements	(759,785)

554. Montclair State College

33110.	Instruction	$12,997,042
33130.	Extension and Public Service	350,000
33950.	Academic Support	1,328,368
33960.	Student Services	2,092,162
33970.	Institutional Support	6,569,769
	Total Appropriation	$23,337,341

Salaries:	
Officers and employees	($16,755,729)
Student aides	(374,500)
Materials and Supplies	(2,172,993)
Services Other Than Personal	(1,178,584)
Maintenance of Property:	
Recurring	(276,755)
Non-recurring and replacements	(488,800)
Extraordinary:	
NDEA student loan program (State share)	(27,553)
College work-study program (State share)	(81,526)
Academic development	(752,000)
Compensation awards	(34,000)
New Jersey State School of Conservation	(350,000)
Additions and Improvements	(844,901)

Of the amount provided hereinabove in the New Jersey State School of Conservation account, the sum of $350,000 shall be payable out of receipts derived from the operation of the School, and receipts in excess of the amount hereinabove, and the unexpended balance of such receipts as of June 30, 1978, are hereby appropriated.

555. Trenton State College

33110.	Instruction	$10,599,855
33950.	Academic Support	1,053,630
33960.	Student Services	1,768,259
33970.	Institutional Support	5,554,683
	Total Appropriation	$18,976,427

Salaries:	
Officers and employees	($13,820,056)
Student aides	(250,000)
Materials and Supplies	(2,008,395)
Services Other Than Personal	(964,680)
Maintenance of Property:	
Recurring	(271,391)
Non-recurring and replacements	(188,975)
Extraordinary:	
NDEA student loan fund (State share)	(66,275)
College work-study program (State share)	(28,000)
Nursing loan and scholarship program	(3,650)
Academic development	(612,000)
Compensation awards	(40,000)
Demonstration school services	(140,000)
Additions and Improvements	(583,005)

556. Ramapo State College of New Jersey

33110.	Instruction	$3,927,723
33950.	Academic Support	586,025
33960.	Student Services	817,711
33970.	Institutional Support	3,513,914
	Total Appropriation	$8,845,373

Salaries:	
Officers and employees	($6,389,071)
Student aides	(159,000)
Materials and Supplies	(1,174,933)
Services Other Than Personal	(502,369)
Maintenance of Property:	
Recurring	(137,500)
Non-recurring and replacements	(29,000)
Extraordinary:	
NDEA student loan program (State share)	(23,000)

College work-study program (State share)	(45,000)
Academic development	(311,000)
Compensation awards	(3,000)
Additions and Improvements	(71,500)

557. Richard Stockton State College

33110.	Instruction	$4,274,368
33950.	Academic Support	1,020,398
33960.	Student Services	724,696
33970.	Institutional Support	3,392,288
	Total Appropriation	$9,411,750

Salaries:	
Officers and employees	($6,439,368)
Student aides	(148,000)
Materials and Supplies	(1,234,520)
Services Other Than Personal	(616,326)
Maintenance of Property:	
Recurring	(160,686)
Non-recurring and replacements	(122,700)
Extraordinary:	
NDEA student loan program (State share)	(12,000)
College work-study program (State share)	(35,000)
Academic development	(341,000)
Compensation awards	(19,000)
Additions and Improvements	(283,150)

*State Colleges Programs**

The amounts appropriated to the various State colleges for Student aides shall constitute the appropriation to carry out the provisions of NJS 18A:64–17; provided, however, that payment for the value of work performed by students may be in cash in lieu of being credited toward the payment of student charges for tuition, room and board.

The unexpended balances as of June 30, 1978 in the Student service charges and Parking fees accounts, and receipts derived therefrom, are hereby appropriated.

Funds for the operation of Summer programs, Special programs (on-campus) and Extension and public service programs (off-campus) are hereby appropriated out of the receipts derived therefrom, and unexpended balances of these programs as of June 30, 1978, and all receipts, are hereby appropriated.

Funds for the operation of Auxiliary services are hereby appropriated out of the receipts derived therefrom and unexpended balances of these programs as of June 30, 1978, and all receipts in excess of those pledged for the payment of principal and interest on bonds of this State are hereby appropriated (NJS 18A:64–18).

Notwithstanding the provisions of NJS 18A:72A–26 et seq., no Board of Trustees of a State college shall enter into an agreement with the Educational Facilities Authority for housing facilities for students, without first securing written authorization for such agreement from the Director of the Division of Budget and Accounting.

Receipts in excess of those anticipated from regular tuition are hereby appropriated, subject to approval by the Chancellor of Higher Education, the Director of the Division of Budget and Accounting, and the Subcommittee on Transfers of the Joint Appropriations Committee.

Expenditure plans for the amounts hereinabove appropriated to each State college for Academic development and improvement shall be subject to the prior approval of the Chancellor of Higher Education, the Director of the Division of Budget and Accounting.

Rutgers, The State University

570. General University

33110.	Instruction	$67,797,601
33120.	Sponsored Research and Other Sponsored Programs	3,019,633
33130.	Extension and Public Service	4,502,718*
33950.	Academic Support	7,072,295
33960.	Student Services	12,147,520
33970.	Institutional Support	44,239,065
	Sub-Total, General Operations	$139,103,832
	Special Funds expense	28,419,600
	Auxiliary Services	28,253,928
	Total All Operations	$195,777,360
	Less:	
	General Services income	*$43,719,048*
	Special Funds income	*28,419,600*
	Auxiliary Services income	*28,253,928*
	Total Income Deductions	*100,392,576*
	Appropriation, Exclusive of Land Grant Interest	($95,378,984)
	Land Grant Interest	(5,800)
	Sub-Total Appropriation	$95,384,784
	Salaries:	
	Officers and employees	($99,730,313)
	Student aides	(372,204)
	New positions	(99,485)
	Materials and Supplies	(13,955,016)
	Services Other Than Personal	(11,970,079)
	Maintenance of Property:	
	Recurring	(2,321,565)
	Non-recurring and replacements	(1,442,094)
	Extraordinary:	
	Research grants	(264,599)
	Guidance of public employees in employee-management relationships (C34:13A)	(50,000)

Graduate and law school fellowships	(70,000)
Student aid	(3,044,828)
College work-study program (State share)	(350,000)
Retirement allowances	(696,433)
Major renovations	(100,000)
Special projects	(1,500,000)
Additions and Improvements	(3,137,216)
Special Funds expense	(28,419,600)
Auxiliary Services	(28,253,928)
Less:	
General Services income	*(43,719,048)*
Special Funds income	*(28,419,600)*
Auxiliary Services income	*(28,253,928)*

Actual full-time and part-time enrollment, exclusive of enrollment in extension and public service programs, shall not exceed 38,849 full-time equivalent (FTE) students at Rutgers University. In the event that actual enrollments should exceed this level, the amount hereinabove for Rutgers, The State University shall be reduced by a sum equal to the tuition and fee receipts collected by the University in excess of two percent above the tuition and fee receipts collected from 38,849 FTE students; any such adjustment to occur in the last quarter of the fiscal year.

Of the amount hereinabove for Rutgers, The State University, a sum shall be used for the adequate operation after 6:00 p.m. of Evening Law Schools at the Newark and Camden campuses, subject to the approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

Of the amount hereinabove for Rutgers, The State University, an adequate sum shall be used to continue and develop the Graduate social work program at the Camden campus in fiscal year 1978-79.

572. Agricultural Experiment Station

33120. Research		$5,153,304
33130. Extension and Public Service		3,196,604*
Sub-Total, General Operations		$8,534,908
Federal research and extension funds expense		3,038,615
Special Funds expense		2,300,000
Total All Operations		$13,873,523
Less:		
General Services income	*$35,000*	
Federal research and extension funds income	*3,038,615*	
Special Funds income	*2,300,000*	
Total Income Deductions		*5,373,615*
Sub-Total Appropriation		$8,499,908
Salaries:		
Officers and employees	($8,053,152)	
Student wages	(28,600)	
Materials and Supplies	(110,175)	
Services Other Than Personal	(204,398)	
Maintenance of Property:		
Recurring	(25,355)	
Non-recurring and replacements	(21,720)	
Extraordinary:		
South Jersey Research Center	(24,533)	
Asparagus research	(9,215)	
Operation of Willowood Farm Arboretum and Bird Sanctuary	(9,215)	
Blackbird control	(7,064)	
Additions and Improvements	(41,481)	
Federal research and extension funds	(3,038,615)	
Special Funds expense	(2,300,000)	
Less:		
General Services income	*(35,000)*	
Federal research and extension funds income	*(3,038,615)*	

Special Funds income	*(2,300,000)*	
Total Appropriation, Rutgers, The State University		$103,374,692*

573. College of Medicine and Dentistry of New Jersey

573-100. Central Administration

33120.	Organized Research		$450,000
33970.	Institutional Support		1,770,146
	Sub-Total, All Operations		$2,220,146
Less:			
	Special Services income	*$450,000*	
	Total Income Deductions		*450,000*
	Sub-Total Appropriation		$1,770,146

573-101. New Jersey Medical School—Newark

33110.	Instruction		$7,904,468
33120.	Organized Research		7,000,000
33240.	Auxiliary Services		261,818
33950.	Academic Support		445,062
33960.	Student Services		160,557
33970.	Institutional Support		8,032,764
	Sub-Total, All Operations		$23,804,669
Less:			
	General Services income	*$2,752,995*	
	Special Services income	*7,000,000*	
	Auxiliary Services income	*261,818*	
	Total Income Deductions		*10,014,813*
	Sub-Total Appropriation		$13,789,856

573-102. Rutgers Medical School

33110.	Instruction	$9,083,267
33120.	Organized Research	5,536,455
33240.	Auxiliary Services	125,190

33950.	Academic Support		109,214
33960.	Student Services		349,695
33970.	Institutional Support		3,898,826
	Sub-Total, All Operations		$19,102,647
Less:			
	General Services income	*$2,206,800*	
	Special Services income	*5,536,455*	
	Auxiliary Services income	*125,190*	
	Total Income Deductions		*7,868,445*
	Sub-Total Appropriation		$11,234,202

573-103. Collegewide Programs

33110.	Instruction		$578,434
33960.	Student Services		173,568
33970.	Institutional Support		2,509,911
	Sub-Total, All Operations		$3,261,913
Less:			
	General Services income	*$354,000*	
	Total Income Deductions		*354,000*
	Sub-Total Appropriation		$2,907,913

573-104. New Jersey Dental School—Newark

33110.	Instruction		$5,311,205
33120.	Organized Research		600,000
33950.	Academic Support		105,906
33960.	Student Services		20,385
33970.	Institutional Support		1,261,200
	Sub-Total, All Operations		$7,298,696
Less:			
	General Services income	*$1,560,664*	
	Special Services income	*600,000*	
	Total Income Deductions		*2,160,664*
	Sub-Total Appropriation		$5,138,032

573-105. Martland Hospital—Newark

33130.	Extension and Public Service		
	Nursing Service	$12,479,491	
	Outpatient Service	3,492,364	
	Other Professional Service	16,875,110	
	General Service	9,130,374	
	Research	1,607,000	
	Administration	5,458,188	
	Sub-Total, All Operations		$49,042,527
Less:			
	Hospital Services income	*$32,212,260*	
	Special Services income	*1,607,000*	
	Miscellaneous income	*260,000*	
	Total Income Deductions		*34,079,260*
	Sub-Total Appropriation		$14,963,267

573-106. Raritan Valley Hospital

33130.	Extension and Public Service		
	Nursing Service	$3,043,750	
	Outpatient Service	1,024,537	
	Other Professional Service	4,941,242	
	General Service	2,370,319	
	Administration	1,602,342	
	Sub-Total, All Operations		$12,982,190
Less:			
	Hospital Services income	*$11,627,270*	
	Total Income Deductions		*11,627,270*
	Sub-Total Appropriation		$1,354,920

573-107. Graduate School of Bio-Medical Sciences

33110.	Instruction	$428,507
33960.	Student Services	37,400
	Sub-Total, All Operations	$465,907

Less:		
General Services income	*$98,480*	
Total Income Deductions		*98,480*
Sub-Total Appropriation		$367,427

573-108. Rutgers Medical School—South Jersey

33110.	Instruction	$389,411*
33970.	Institutional Support	381,796*
	Sub-Total, All Operations	$1,174,786
Less:		
General Services income	*$187,900*	
Total Income Deductions		*187,900*
Sub-Total Appropriation		$986,886

573-109. Allied Health Programs

33110.	Instruction	$978,658
33970.	Institutional Support	134,078
	Sub-Total, All Operations	$1,112,736
Less:		
General Services income	*$123,089*	
Total Income Deductions		*123,089*
Sub-Total Appropriation		$989,647

573-110. New Jersey School of Osteopathic Medicine

33110.	Instruction	$882,026*
33960.	Student Services	68,350
33970.	Institutional Support	391,757
	Sub-Total, All Operations	$1,392,133

Less:		
General Services income	*$450,000*	
Total Income Deductions		*450,000*
Sub-Total Appropriation		$942,133

573-111. Newark Community Mental Health Center

33130. Extension and Public Service		
Inpatient Service	$761,285	
Outpatient Service	883,526	
General Service	415,554	
Administration	496,659	
Sub-Total, All Operations		$2,557,024
Less:		
Patient Service income	*$289,061*	
Federal Staffing Grant	*477,200*	
Department of Human Services	*1,790,763*	
Total Income Deductions		*2,557,024*
Sub-Total Appropriation		0

573-112. Rutgers Community Mental Health Center

33130. Extension and Public Service		
Inpatient Service	$994,379	
Outpatient Service	2,983,139	
General Service	67,711	
Administration	1,021,471	
Sub-Total, All Operations		$5,066,700
Less:		
Patient Service income	*$955,200*	
Federal Staffing Grant	*427,645*	
Department of Human Services	*3,683,855*	
Total Income Deductions		*5,066,700*
Sub-Total Appropriation		0
Total Appropriation, College of Medicine and Dentistry of New Jersey		$53,990,850*

Salaries:	
Officers and employees	($70,479,502)
New positions	(4,221,846)
Materials and Supplies	(18,706,350)
Services Other Than Personal	(10,041,825)
Maintenance of Property:	
Recurring	(802,741)
Non-recurring and replacements	(376,000)
Extraordinary:	
Central Administration—Board of trustees planning fund	(8,000)
Collegewide—Student aid	(177,097)
New Jersey Medical School—Student aid	(83,179)
Martland Hospital—Pension and workers' compensation	(633,554)
Rutgers Medical School—Student aid	(39,322)
Research under contract with the Institute of Medical Research, Camden	(390,000)
Additions and Improvements	(318,471)
Special Funds expense	(15,193,455)
Auxiliary Fund expense	(387,008)
Rutgers Community Mental Health Center	(5,066,700)
Newark Community Mental Health Center	(2,557,024)
Less:	
General Services income	*(7,733,928)*
Special Services income	*(15,193,455)*
Auxiliary Services income	*(387,008)*
Hospital Services income	*(44,099,530)*
Rutgers Community Mental Health Center	*(5,066,700)*
Newark Community Mental Health Center	*(2,557,024)*

All General services income or Hospital services income in excess of the amounts hereinabove as income deductions, shall be credited to the General State Fund and such excess income is

hereby appropriated therefrom for service improvements during fiscal year 1978-79 and the subsequent fiscal year in the several component units of the College of Medicine and Dentistry of New Jersey, upon the request of the Board of Trustees thereof, subject to the approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

With respect to the portion of such excess income arising from participation in the Demonstration Project approved under the provisions of Section 1115 of Title XIX of the Federal Social Security Act for the City of Newark, all such income in excess of the additional costs resulting from the increased services required to be provided under the terms of the College's provider contract with the New Jersey Health Services Corporation shall be deposited in the General State Fund as unappropriated revenue.

The College of Medicine and Dentistry of New Jersey is hereby authorized to operate its continuing medical-dental education program as a revolving fund and the revenue collected therefrom, and any unexpended balance therein, shall be retained for such fund.

574. New Jersey Institute of Technology

33110.	Instruction	$8,921,479
33120.	Sponsored Research and Other Sponsored Programs	360,394
33130.	Extension and Public Service	185,290
33240.	Auxiliary Services	1,200,000
33950.	Academic Support	1,989,700
33960.	Student Services	1,143,138
33970.	Institutional Support	5,710,598
	Sub-Total, All Operations	$19,510,599

Less:		
General Services income	*$4,441,000*	
Auxiliary Services income	*1,200,000*	
Total Income Deductions		*5,641,000*
Total Appropriation		$13,869,599
Salaries:		
Officers and employees	($11,575,299)	
Student aides	(190,000)	
Materials and Supplies	(1,576,000)	
Services Other Than Personal	(1,882,100)	
Maintenance of Property:		
Recurring	(202,200)	
Non-recurring and replacements	(208,200)	
Extraordinary:		
Academic development	(270,300)	
Research	(277,000)	
Scholarships, grants, fellowships	(130,000)	
Fringe benefits	(850,000)	
Retirement allowances	(390,000)	
Mortgage interest and amortization	(33,000)	
Additions and Improvements	(726,500)	
Auxiliary Fund expenses	(1,200,000)	
Less:		
General Services income	(*4,441,000*)	
Auxiliary Services income	(*1,200,000*)	

Actual full-time and part-time enrollments, exclusive of enrollment in extension and public service programs, shall not exceed 4,272 full-time equivalent (FTE) students at the New Jersey Institute of Technology. In the event that actual enrollments should exceed this level, the amount hereinabove for New Jersey Institute of Technology shall be reduced by a sum equal to the tuition and fees collected by the Institute in excess of two percent above the tuition and fees collected from 4,272 FTE students; any such adjustment to occur in the last quarter of the fiscal year.

The appropriation hereinabove shall be made available subject to the execution of a contract for the purchase of educational services between the Board of Higher Education and the Board of Trustees of Schools for Industrial Education of Newark, New Jersey (NJS 18A:3–14q).

Total Appropriation, Department of Higher Education $362,055,711*

Notwithstanding the provisions of NJSA 52:34–6, the amounts hereinabove for the Department of Higher Education may be expended for the purchase of contract services from the New Jersey Education Computing Network (NJECN), as if it were a State government agency (NJSA 52:34–10a).

All expenditures for data processing services, equipment and software from sources other than the New Jersey Education Computing Network (NJECN) shall be subject to approval by the Director of the Division of Budget and Accounting.

The sums hereinafter set forth are hereby appropriated to the Department of Higher Education, from the State Lottery Fund:

Aid to independent colleges and universities	($8,000,000)
Schools of professional nursing ..	(1,500,000)
Dental school aid	(2,000,000)
Total Appropriation from the State Lottery Fund	($11,500,000)

DEPARTMENT OF TRANSPORTATION

Operation and Maintenance of Transportation Facilities

63100. State Highway Facilities

63110-600.	Roadway and Bridge Maintenance and Improvements	$33,735,363
63120-600.	Electrical and Traffic Operations	12,500,700
63130-600.	Physical Plant Maintenance	2,832,959
63140-600.	Equipment Engineering, Operation and Acquisition	16,669,289
	Total Appropriation	$65,738,311

Salaries:	
Officers and employees	($34,052,662)
Positions transferred from other subcategories	(314,882)
Materials and Supplies	(6,546,495)
Services Other Than Personal	(1,027,422)
Maintenance of Property:	
Recurring	(8,269,000)
Non-recurring and replacements	(9,563,950)
Extraordinary:	
Construction, reconstruction, improvement or rebuilding of State highways, including resurfacing and major bridge repairs or rehabilitation	(5,000,000)
Traffic signals, signs, lighting and safety improvements	(900,000)
Additions and Improvements	(63,900)

The unexpended balance as of June 30, 1978 in this account is hereby appropriated.

$3,000,000, or such sum as the Director of the Division of Budget and Accounting shall determine, of the amount hereinabove for Roadway and bridge maintenance and improvements first shall be charged to funds anticipated from the Federal government as Antirecession fiscal assistance.

63200. Public Transportation Facilities

63210-600.	Railroad and Bus Operations	$66,466,025
63220-600.	Aeronautics	299,699
	Total Appropriation	$66,765,724

Salaries:	
Officers and employees	($1,517,393)
Position transferred from another subcategory	(6,645)
New positions	(322,996)
Materials and Supplies	(86,185)
Services Other Than Personal	(1,780,355)
Maintenance of Property:	
Non-recurring and replacements	(2,150)
Extraordinary:	
Passenger service subsidies Bus subsidies Subsidies for motor bus transportation services to senior citizens Promotion of public transit ridership	(63,050,000)

The unexpended balance as of June 30, 1978 in the Extraordinary category is hereby appropriated.

The sum hereinabove for Passenger service subsidies may be used to make payments in accordance with labor protective agreements entered into as a condition of receiving Federal funds in support of operating subsidies for railroad and bus operations.

Receipts from property owned by the Commuter Operating Agency are hereby made available to the Commuter Operating Agency for maintenance or other expenses related to such properties.

Department Management and General Support

69100. Department Management and General Support

69110-600.	Department Management	$1,045,062
69120-600.	Department Administration Services	3,744,692
69130-600.	Fiscal Management	3,169,046
	Total Appropriation	$7,958,800

Salaries:	
Commissioner	($49,000)
Officers and employees	(4,741,046)
Positions transferred from other subcategories	(33,891)
New positions	(137,509)
Materials and Supplies	(107,428)
Services Other Than Personal	(2,077,226)
Maintenance of Property:	
Recurring	(60,300)
Non-recurring and replacements	(45,400)
Extraordinary:	
Compensation awards	(700,000)
Additions and Improvements	(7,000)

The unexpended balance as of June 30, 1978 and the reimbursements in the Department stock purchase revolving fund for the purchase of materials and supplies required for the operation of the Department are hereby appropriated.

There are hereby appropriated as a revolving fund, receipts derived from services rendered by the Department of Transportation Data Processing Center for the purpose of operating the Data Processing Center, including the replacement and purchase of additional data processing equipment.

The Director of the Division of Budget and Accounting shall be empowered to transfer or credit to the Department of Transportation Data Processing Center from the various appropriations made to departments for data processing costs which are appropriated or allocated to such departments for their share of such costs.

69300. Planning and Research

69310-600.	Planning	$1,248,672
69320-600.	Research	678,592
	Total Appropriation	$1,927,264

Salaries:		
Officers and employees	($1,171,305)	
Position transferred from another subcategory	(11,933)	
Materials and Supplies	(43,817)	
Services Other Than Personal	(357,227)	
Maintenance of Property:		
Recurring	(2,360)	
Non-recurring and replacements	(15,000)	
Extraordinary:		
Comprehensive highway transportation planning studies	(67,800)	
Metropolitan planning studies	(186,080)	
Public transportation technical feasibility studies	(50,000)	
Additions and Improvements	(21,742)	

The unexpended balance as of June 30, 1978 in this account is hereby appropriated.

Sums allocated by the Commissioner for planning and research in the annual construction program may be transferred to this account for expenditure.

Total Appropriation, Department of Transportation	$142,390,099

Any appropriation herein or heretofore made for projects and programs within the purview of C54:8A–1 et seq. (Emergency Transportation Tax Act) as determined by the Director of the Division of Budget and Accounting first shall be charged to the Transportation Fund established in such Act.

Projects and programs within the purview of C54:8A–58 et seq. (Transportation Benefits Tax Act) as determined by the Director of the Division of Budget and Accounting first shall be charged to the Transportation Benefits Fund established in such Act.

DEPARTMENT OF HUMAN SERVICES

Mental Retardation

25100. Residential Functional Services

762. Vineland State School

25110.	Resident Care and Habilitation	$8,133,144
25130.	Health Services	2,518,369
25140.	Education and Training	661,561
25190.	Institutional Administration and Support Services	5,864,974
	Total Appropriation	$17,178,048

Salaries:		
Officers and employees	($13,500,695)	
Food in lieu of cash	(31,031)	
Materials and Supplies	(2,836,173)	
Services Other Than Personal	(366,555)	
Maintenance of Property:		
Recurring	(77,827)	
Non-recurring and replacements	(61,447)	
Extraordinary:		
Supplemental educational and/or training activities	(304,320)	

The unexpended balances as of June 30, 1978 in the Non-recurring and replacements and Additions and Improvements accounts are hereby appropriated.

763. North Jersey Training School at Totowa

25110.	Resident Care and Habilitation	$3,684,621
25130.	Health Services	1,405,197
25140.	Education and Training	650,028

25190.	Institutional Administration and Support Services	3,127,701
	Total Appropriation	$8,867,547

Salaries:	
Officers and employees	($6,831,457)
Food in lieu of cash	(13,121)
Materials and Supplies	(1,338,540)
Services Other Than Personal	(221,981)
Maintenance of Property:	
Recurring	(60,138)
Non-recurring and replacements	(38,378)
Extraordinary:	
Supplemental educational and/or training activities	(363,932)

The unexpended balances as of June 30, 1978 in the Non-recurring and replacements and Additions and Improvements accounts are hereby appropriated.

764. Woodbine State School

25110.	Resident Care and Habilitation	$5,151,510
25130.	Health Services	1,242,795
25140.	Education and Training	454,902
25190.	Institutional Administration and Support Services	3,310,778
	Total Appropriation	$10,159,985

Salaries:	
Officers and employees	($8,212,382)
Food in lieu of cash	(6,929)
Materials and Supplies	(1,469,732)
Services Other Than Personal	(81,361)
Maintenance of Property:	
Recurring	(63,526)
Non-recurring and replacements	(69,056)

Extraordinary:		
Supplemental educational and/or training activities	(256,999)	

The unexpended balances as of June 30, 1978 in the Non-recurring and replacements and Additions and Improvements accounts are hereby appropriated.

765. New Lisbon State School

25110.	Resident Care and Habilitation	$4,313,662
25130.	Health Services	842,321
25140.	Education and Training	550,545
25190.	Institutional Administration and Support Services	3,195,554
	Total Appropriation	$8,902,082

Salaries:		
Officers and employees	($6,864,129)	
Food in lieu of cash	(15,933)	
Materials and Supplies	(1,591,073)	
Services Other Than Personal	(212,969)	
Maintenance of Property:		
Recurring	(58,880)	
Non-recurring and replacements	(34,952)	
Extraordinary:		
Supplemental educational and/or training activities	(124,146)	

The unexpended balances as of June 30, 1978 in the Non-recurring and replacements and Additions and Improvements accounts are hereby appropriated.

766. Woodbridge State School

25110.	Resident Care and Habilitation	$5,164,109
25130.	Health Services	1,902,745
25140.	Education and Training	744,150
25190.	Institutional Administration and Support Services	3,227,816
	Total Appropriation	$11,038,820

Salaries:		
Officers and employees	($8,481,559)	
Food in lieu of cash	(8,586)	
Materials and Supplies	(1,709,439)	
Services Other Than Personal	(258,391)	
Maintenance of Property:		
Recurring	(59,307)	
Non-recurring and replacements	(12,185)	
Extraordinary:		
Supplemental educational and/or training activities	(509,353)	

The unexpended balances as of June 30, 1978 in the Non-recurring and replacements and Additions and Improvements accounts are hereby appropriated.

767. Hunterdon State School

25110.	Resident Care and Habilitation	$5,101,321
25130.	Health Services	2,008,817
25140.	Education and Training	888,380
25190.	Institutional Administration and Support Services	3,941,462
	Total Appropriation	$11,939,980

Salaries:		
Officers and employees	($8,809,708)	
Positions transferred from another department	(85,394)	
Food in lieu of cash	(1,458)	
Materials and Supplies	(1,811,792)	
Services Other Than Personal	(419,432)	
Maintenance of Property:		
Recurring	(76,945)	
Non-recurring and replacements	(23,225)	
Extraordinary:		
Supplemental educational and/or training activities	(712,026)	

The unexpended balances as of June 30, 1978 in the Non-recurring and replacements and Additions and Improvements accounts are hereby appropriated.

768. Edward R. Johnstone Training and Research Center

25110.	Resident Care and Habilitation	$1,676,219
25130.	Health Services	338,098
25140.	Education and Training	780,472
25150.	Research	169,019
25190.	Institutional Administration and Support Services	1,782,650
	Total Appropriation	$4,746,458

Salaries:		
Officers and employees	(	$3,960,644)
Food in lieu of cash	(	9,638)
Materials and Supplies	(	605,295)
Services Other Than Personal	(	86,148)
Maintenance of Property:		
Recurring	(	54,634)
Non-recurring and replacements	(	30,099)

769. New Jersey Neuropsychiatric Institute

25110.	Resident Care and Habilitation	$3,660,159
25130.	Health Services	1,353,397
25140.	Education and Training	411,762
25190.	Institutional Administration and Support Services	3,082,881
	Total Appropriation	$8,508,199

Salaries:		
Officers and employees	(	$6,708,670)
Food in lieu of cash	(	21,662)
Materials and Supplies	(	1,285,174)
Services Other Than Personal	(	293,215)
Maintenance of Property:		
Recurring	(	83,931)
Non-recurring and replacements	(	24,995)
Extraordinary:		
Supplemental educational and/or training activities	(	90,552)

The unexpended balances as of June 30, 1978 in the Non-recurring and replacements and Additions and Improvements accounts are hereby appropriated.

25200. Other Agency Services

760. Division of Mental Retardation

25210.	Purchased Residential Care	$6,494,082
25220.	Social Supervision and Consultation	1,306,957
25230.	Adult Activities	1,728,011
25240.	Education and Day Training	6,643,537
25290.	Management and General Support	3,620,858
	Total Appropriation	$19,793,445

Salaries:	
Officers and employees	($3,756,083)
Positions established from lump sum appropriation	(519,362)
Materials and Supplies	(535,241)
Services Other Than Personal	(1,099,324)
Maintenance of Property:	
Recurring	(68,571)
Extraordinary:	
Purchase of residential care	(5,622,956)
Family care	(198,213)
Community home training	(500,000)
Home assistance, including homemaker services	(127,000)
Adult activities	(229,000)
Purchase of day training services	(862,000)
Supplemental educational and/or training services for those mentally retarded eligible for day training and/or residents of State institutions	(1,978,941)
Foster grandparents program	(235,000)
Dental program for non-institutionalized mentally retarded and handicapped children	(50,000)
Developmental disabilities services	(216,000)

Social services (State share)	(1,266,058)
Compensation awards	(640,440)
Allotment to the various State institutions for overtime on State holidays	(1,272,300)
Patient employees	(300,000)
Child study teams to develop educational and/or training programs for the mentally retarded	(311,456)
Additions and Improvements	(5,500)

The sum hereinabove for Purchase of residential care shall be available for the payment of obligations applicable to prior fiscal years.

None of the funds for Developmental disability services shall be expended without non-State matching funds.

The Division of Mental Retardation is authorized to transfer funds from the Dental program for non-institutionalized mentally retarded 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 mentally retarded and handicapped children should be committed for the program's support during the subsequent fiscal year, rather than for expansion.

The unexpended balance as of June 30, 1978 in the Reserve for State's liability for education of children in out-of-State placements account are hereby appropriated for the same purpose.

Receipts representing reimbursements to the institutions for the mentally retarded and the Purchased residential care program for eligible expenses under the Intermediate care facility—Mental retardation (ICF-MR) program are hereby appropriated, as the Director of the Divi-

sion of Budget and Accounting shall determine, to the Division of Mental Retardation for allocation to the several institutions included within that Division and for other related program and administrative costs required to meet compliance plan commitments so as to enable the continuance of the reimbursements and to qualify additional institutional and purchased residential care facilities for the ICF-MR program.

The Director of the Division of Budget and Accounting is hereby empowered to transfer funds to the Division of Medical Assistance and Health Services from the various appropriations made to the Division of Mental Retardation and the several institutions included within that Division for the non-Federal share of medical assistance payments under the ICF-MR program.

None of the additional funds for Supplemental educational and/or training services for those mentally retarded eligible for day training and/or residents of State institutions shall be expended until a plan for the use of such additional funds is developed by the Commissioner of Education and the Commissioner of Human Services and approved by the Director of the Division of Budget and Accounting.

Mental Health

26100. Institutional Services

777. Greystone Park Psychiatric Hospital

26110.	Outpatient and Community Services	$117,309
26120.	Inpatient Care and Health Services	14,758,835
26190.	Administration and Support	7,635,119
	Total Appropriation	$22,511,263

Salaries:	
Officers and employees	($18,412,876)
Food in lieu of cash	(104,707)
Materials and Supplies	(2,973,783)
Services Other Than Personal	(454,508)

Maintenance of Property:		
Recurring	(	268,914)
Non-recurring and replacements	(	31,100)
Extraordinary:		
Family care	(	61,938)
Compensation awards	(	140,437)
Additions and Improvements	(	63,000)

779. Trenton Psychiatric Hospital

26110.	Outpatient and Community Services	$211,793
26120.	Inpatient Care and Health Services	14,237,766
26190.	Administration and Support	6,114,455
	Total Appropriation	$20,564,014

Salaries:		
Officers and employees	($16,745,804)	
Food in lieu of cash	(	34,983)
Materials and Supplies	(	2,716,601)
Services Other Than Personal	(	398,783)
Maintenance of Property:		
Recurring	(	135,371)
Non-recurring and replacements	(	159,498)
Extraordinary:		
Family care	(	122,364)
Compensation awards	(	250,610)

There are hereby appropriated as a revolving fund receipts derived from laundry services furnished to the several institutions for the purpose of defraying the costs of operation and maintenance of the Trenton Regional Laundry.

781. Marlboro Psychiatric Hospital

26110.	Outpatient and Community Services	$313,768
26120.	Inpatient Care and Health Services	10,431,527
26190.	Administration and Support	5,334,049
	Total Appropriation	$16,079,344

Salaries:	
Officers and employees	($12,882,958)
Food in lieu of cash	(42,755)
Materials and Supplies	(1,882,002)
Services Other Than Personal	(461,246)
Maintenance of Property:	
Recurring	(151,030)
Non-recurring and replacements	(149,808)
Extraordinary:	
Family care	(134,568)
Vocational rehabilitation training program	(80,000)
Compensation awards	(294,977)

783. Ancora Psychiatric Hospital

26110.	Outpatient and Community Services	$388,795
26120.	Inpatient Care and Health Services	10,707,011
26190.	Administration and Support	5,275,384
	Total Appropriation	$16,371,190

Salaries:	
Officers and employees	($13,206,560)
Food in lieu of cash	(106,890)
Materials and Supplies	(2,124,360)
Services Other Than Personal	(503,615)
Maintenance of Property:	
Recurring	(124,878)
Non-recurring and replacements	(28,797)
Extraordinary:	
Family care	(122,342)
Compensation awards	(119,444)
Additions and Improvements	(34,304)

There are hereby appropriated as a revolving fund receipts derived from laundry services furnished to the several institutions for the purpose of defraying the costs of operation and maintenance of the Ancora Regional Laundry.

790. Arthur Brisbane Child Treatment Center

26120.	Inpatient Care and Health Services	$898,612
26190.	Administration and Support	338,309
	Total Appropriation	$1,236,921

Salaries:	
Officers and employees	($1,028,131)
Food in lieu of cash	(4,536)
Materials and Supplies	(147,448)
Services Other Than Personal	(30,755)
Maintenance of Property:	
Recurring	(16,032)
Non-recurring and replacements	(9,453)
Extraordinary:	
Compensation awards	(566)

794. Glen Gardner Center for Geriatrics

26120.	Inpatient Care and Health Services	$1,570,770
26190.	Administration and Support	857,096
	Total Appropriation	$2,427,866

Salaries:	
Positions established from lump sum appropriation	($1,511,580)
New positions	(137,916)
Materials and Supplies	(509,274)
Services Other Than Personal	(132,523)
Maintenance of Property:	
Recurring	(35,220)
Non-recurring and replacements	(50,865)
Extraordinary:	
Compensation awards	(8,480)
Additions and Improvements	(42,008)

26900. Management and General Support

*770. Division of Mental Health and Hospitals**

26910.	Community Services	$12,886,208
26920.	Management and General Support	2,443,749
	Total Appropriation	$15,329,957

Salaries:	
Officers and employees	($1,499,065)
Materials and Supplies	(13,300)
Services Other Than Personal	(142,628)
Maintenance of Property:	
Recurring	(600)
Extraordinary:	
Community Mental Health Center, College of Medicine and Dentistry, Newark (State share)	(1,790,763)
Community Mental Health Center, College of Medicine and Dentistry, Rutgers (State share)	(3,683,855)
Social service initiatives (State share)	(478,224)
Community care	(6,049,000)
For allotment to the various State psychiatric institutions for overtime on State holidays	(842,850)
Independent psychiatric evaluation and legal representation for indigent patients	(54,000)
Implementation of Greystone settlement (Doe vs. Klein) at all State psychiatric hospitals	(700,000)
To contract for a child study team and two teaching teams	(75,456)
Compensation awards	(216)

Federal and other funds received or receivable for the operation of community mental health centers at the New Jersey Medical School and Rutgers Medical School shall be available to the College of

Medicine and Dentistry of New Jersey for the operation of the centers.

In addition to the amount hereinabove for the Community services program element, a portion of the funds in the Community care account, not to exceed 7% of the total, shall be available for administration of Community services, including the Community care program.

The amount hereinabove for Implementation of the Greystone settlement (Doe vs. Klein) at all State psychiatric hospitals shall not be expended until a plan for allocation of the funds is approved by the Commissioner of Human Services and the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1978 in the Community mental health screening units account is hereby appropriated.

Income Security and Human Resource Development

52400. Services to the Blind and Visually Impaired

716. Commission for the Blind and Visually Impaired

52410.	Habilitation and Rehabilitation	$1,617,936
52420.	Instruction and Community Programs	1,870,334
52490.	Administration	246,100
	Total Appropriation	$3,734,370

Salaries:	
Officers and employees	($1,757,195)
Materials and Supplies	(53,910)
Services Other Than Personal	(1,915,200)
Maintenance of Property:	
Recurring	(1,480)
Non-recurring and replacements	(2,585)
Extraordinary:	
Compensation awards	(1,000)
Additions and Improvements	(3,000)

The unexpended balance as of June 30, 1978 in this account is hereby appropriated.

In addition to the appropriation hereinabove, recoveries of the State share of expenditures made in the year ending June 30, 1979, and those made in prior fiscal years, are hereby appropriated.

52500. Provision of Income Maintenance to Public Indigents

715. Division of Public Welfare

52510.	Fiscal Control	$1,617,505
52520.	Quality Control	870,914
52530.	Income Maintenance	1,114,858
52590.	Administration	1,990,817
	Total Appropriation	$5,594,094

Salaries:	
Officers and employees	($3,127,568)
Materials and Supplies	(34,570)
Services Other Than Personal	(1,284,056)
Maintenance of Property:	
Recurring	(10,400)
Non-recurring and replacements	(2,500)
Extraordinary:	
Development of income maintenance information system	(1,135,000)

The unexpended balance as of June 30, 1978 in the income maintenance information system revolving fund, and receipts derived therefrom, are hereby appropriated.

The unexpended balance in the Development of income maintenance information system account as of June 30, 1978 is hereby appropriated.

52600. Social Services for Youth and Families

717. Division of Youth and Family Services

52610.	Community Services	$5,363,146
52620.	Residential Services	3,689,351
52630.	Social Services	14,862,212

52690. Administration		2,958,509
Total Appropriation		$26,873,218
Salaries:		
Officers and employees	($12,690,363)	
New positions	(1,526,183)	
Food in lieu of cash	(5,832)	
Materials and Supplies	(437,230)	
Services Other Than Personal	(1,808,520)	
Maintenance of Property:		
Recurring	(92,396)	
Non-recurring and replacements	(12,500)	
Extraordinary:		
Community day care	(4,052,694)	
Early childhood and development program	(113,000)	
Work incentive program and day care	(722,500)	
Jersey Battered Women's Service, Inc.	(10,000)	
Reorganization	(569,000)	
Contract auditing	(300,000)	
Implementation of judicial determinations	(750,000)	
Social service information system	(75,000)	
To continue expanded social services	(3,200,000)	
Social services initiatives	(318,000)	
Additions and Improvements	(190,000)	

The funds hereinabove for Community day care shall be made available on the basis of up to 100% funding of the non-Federal share to those centers in which either the State financed the non-Federal share or were State operated in fiscal year 1977-78, and on the basis of up to 30% of the non-Federal share for other centers providing community day care services under contract with the Department of Human Services.

$200,000 of the appropriation for Community day care shall be used to provide for a cost-of-living increase, effective July 1, 1978, in State payments

under contracts with private day care centers, so as to cover inflationary operating costs and costs of improving internal bookkeeping capacities and obtaining certified audits as required by the State Charitable Organizations Registration Act.

Any transfer of funds from the Community day care account first must be approved by the Subcommittee on Transfers of the Joint Appropriations Committee.

Administrative and operating responsibility for the State Supported Day Care Centers shall not be removed from the Division of Youth and Family Services without the prior approval of the Subcommittee on Transfers of the Joint Appropriations Committee.

52700. Services to Veterans

712. Division on Veterans' Services

52710. Division Management and Field Services		$679,941
Total Appropriation		$679,941
Salaries:		
Officers and employees	($338,431)	
Materials and Supplies	(3,930)	
Services Other Than Personal	(22,080)	
Maintenance of Property:		
Recurring	(500)	
Extraordinary:		
Veterans' orphans fund—Education Grants	(85,000)	
Blind veterans' allowances	(60,000)	
Paraplegic and hemiplegic veterans' allowances	(170,000)	

710. New Jersey Memorial Home for Disabled Soldiers at Menlo Park

52720. Domiciliary and Treatment Services	$2,358,635
52730. Administration and Support Services	1,092,095
Total Appropriation	$3,450,730

Salaries:		
Officers and employees	(	$2,802,984)
Positions established from lump sum appropriation	(	33,867)
Food in lieu of cash	(	6,966)
Materials and Supplies	(	476,236)
Services Other Than Personal	(	78,090)
Maintenance of Property:		
Recurring	(	15,107)
Non-recurring and replacements	(	22,480)
Extraordinary:		
Compensation awards	(	15,000)

711. New Jersey Memorial Home for Disabled Soldiers at Vineland

52720.	Domiciliary and Treatment Services	$2,786,723
52730.	Administration and Support Services	1,172,753
	Total Appropriation	$3,959,476

Salaries:		
Officers and employees	(	$3,183,828)
Positions established from lump sum appropriation	(	49,683)
Food in lieu of cash	(	7,452)
Materials and Supplies	(	601,415)
Services Other Than Personal	(	93,898)
Maintenance of Property:		
Recurring	(	23,200)

Assistance to the Economically Disadvantaged

53100. Medical Assistance and Health Services

714. Division of Medical Assistance and Health Services

53110.	Health Services Administration	$8,250,005
53120.	General Medical Services	306,804,000
53190.	Administration and General Support	2,684,290*
	Total Appropriation	$318,074,295

Salaries:	
Officers and employees	($2,580,409)
Materials and Supplies	(53,665)
Services Other Than Personal	(722,071)
Maintenance of Property:	
Recurring	(7,150)
Extraordinary:	
Payments to fiscal agents	(6,490,500)
Eligibility determination	(784,000)
Payments for medical assistance recipients	(286,804,000)
Pharmaceutical assistance to the aged	(20,000,000)
Medical fraud investigation and prosecution unit	(*)
Health facilities rate setting	(240,500)
Planning and management unit	(50,000)
Compensation awards	(6,000)

All funds recovered under C30:4D–1 et seq. during the fiscal year ending June 30, 1979 are hereby appropriated.

The sums hereinabove for Payments for medical assistance recipients and for Pharmaceutical Assistance to the aged shall be available for the payment of obligations applicable to prior fiscal years.

$18,000,000, or such sum as the Director of the Division of Budget and Accounting shall determine, of the amount provided for Payments for medical assistance recipients first shall be charged to funds anticipated from the Federal government as Antirecession fiscal assistance.

Reimbursements for services provided for recipients of other jurisdictions, as established by interstate agreements, which represent the State share of medical assistance, are hereby appropriated to the Division of Medical Assistance and Health Services for the purpose of making further payments of medical assistance.

The unexpended balances, in excess of $2,500,000, as of June 30, 1978 in the accounts Newark Comprehensive Health Service Plan—Administration and Newark Comprehensive Health Service Plan—Medical assistance are hereby appropriated.

Of the amounts reappropriated for the Newark Comprehensive Health Service Plan, $500,000 shall be transferred to the Division of Mental Health and Hospitals for community care.

The unexpended balance as of June 30, 1978 in the Pharmaceutical assistance to the aged account is hereby appropriated.

The Commissioner of Human Services shall, not later than July 15, 1978 and January 15, 1979, supply the Joint Appropriations Committee with a report on the implementation of the Pharmaceutical assistance to the aged program. Said report shall include, but not be limited to, the amount expended as of June 30, 1978 and December 31, 1978, the anticipated total expenditure for the fiscal year, data on the number of eligibles, number of participants, utilization rates, number of claims processed and administrative costs through June 30, 1978 and December 31, 1978 and any legislative recommendations.

Department Management and General Support

79100. Department Management and General Support

79190-700. Department Management	$3,906,212
Total Appropriation	$3,906,212

Salaries:	
Commissioner	($49,000)
Officers and employees	(2,436,050)
Position transferred from another division	(13,157)
New positions	(16,226)
Materials and Supplies	(37,420)
Services Other Than Personal	(675,671)

Maintenance of Property:
Recurring ..... (10,188)

Extraordinary:
Social services matching funds .... (50,000)
Information systems development . (300,000)
Nursing scholarship program ..... (270,000)
Food and management information system ..... (40,000)
Compensation awards ..... (8,500)

There are hereby appropriated, as a revolving fund, the receipts derived from services rendered by the Data Processing Center and the unexpended balance of such receipts as of June 30, 1978 for the purpose of operating the Data Processing Center, including the replacement and the purchase of additional data processing equipment.

The Director of the Division of Budget and Accounting is hereby empowered to transfer or credit to the Data Processing Center of this Department from the various appropriations made to any department for data processing costs which are appropriated or allocated to such departments for their share of such costs.

Total Appropriation, Department of Human Services $561,591,455*

Balances on hand as of June 30, 1978 of funds held for the benefit of patients in the several institutions, and such funds as may be received, are hereby appropriated for the use of such patients.

Funds received from the sale of articles made in occupational therapy departments of the several institutions are hereby appropriated for the purchase of additional material and other expenses incidental to such sale or manufacture.

The unexpended balances as of June 30, 1978 of funds received by the several institutions representing rental of garages, and such funds as may be received during fiscal year 1978-79, are hereby

appropriated for the repair and maintenance of existing garages and for the construction of additional garages by such institutions.

So much of the sums received by the various State institutions from payments which represent the State share of medical assistance, not otherwise anticipated for skilled nursing facilities, are hereby appropriated to the Division of Medical Assistance and Health Services for the purpose of making further payments for the State share of medical assistance (C30:4D–1 et seq.).

The sums hereinafter set forth are hereby appropriated to the Department of Human Services, from the State Lottery Fund:

Operation of State psychiatric hospitals	($24,000,000)
Total Appropriation from the State Lottery Fund	($24,000,000)

DEPARTMENT OF COMMUNITY AFFAIRS

Development of Community Programs

42100. Community Development Management

42110-800.	Housing Code Enforcement	$2,822,529
42120-800.	Housing	870,371
42130-800.	Local Government Services	1,135,403
42140-800.	State and Regional Planning	1,840,107
	Total Appropriation	$6,668,410

Salaries:		
Board members (5 @ $7,000)	(	$35,000)
Officers and employees	(	3,328,911)
Positions transferred from another department	(	61,075)
Position transferred from another subcategory	(	16,793)
New positions	(	48,905)

Materials and Supplies	(97,770)
Services Other Than Personal	(597,246)
Maintenance of Property:	
Recurring	(5,300)
Non-recurring and replacements	(4,570)
Extraordinary:	
Cooperative housing inspection	(800,000)
Relocation assistance	(215,000)
Hackensack Meadowlands Development Commission	(1,170,000)
Delaware Valley Regional Planning Commission	(50,000)
Tri-State Regional Planning Commission	(229,200)
Additions and Improvements	(8,640)

Receipts in excess of those anticipated from fees and fines from Housing code enforcement are hereby appropriated.

The amount hereinabove for Relocation assistance shall be applicable to the fiscal year 1978-79 only; provided, however, that the Commissioner of the Department of Community Affairs, be empowered to continue existing contracts for rent supplements (C52:27D–66).

The unexpended balance as of June 30, 1978 in the Hackensack Meadowlands Development Commission account is hereby appropriated for the same purpose.

Notwithstanding the provisions of prior appropriations acts, the State's loan to the Hackensack Meadowlands Development Commission shall be repaid to the General State Fund, with interest at a rate of 8% per annum on any sum appropriated after June 30, 1975, and at a rate of 6% per annum on any loans outstanding prior to July 1, 1975, from proceeds of revenues, moneys or other funds due the Commission from the New Jersey Sports and Exposition Authority.

Notwithstanding the provisions of C5:10-6, all funds received by the State from the New Jersey Sports and Exposition Authority shall be deposited in the General State Fund, and only those funds recommended for the Hackensack Meadowlands Development Commission shall be appropriated by the State.

The amount hereinabove for the Delaware Valley Regional Planning Commission shall be used for land development planning aspects of studies conducted in the Philadelphia-Camden urban area by such Commission, contingent upon Federal participation of no less than 66⅔%; provided, however, that the expenditure of such funds by the Delaware Valley Regional Planning Commission be subject to the approval of the Commissioner of the Department of Community Affairs.

The amount hereinabove for the Tri-State Regional Planning Commission shall be used for land development planning aspects of studies conducted in the Northeastern New Jersey-New York urban area by such Commission, contingent upon Federal participation of no less than 66⅔%; provided, however, that the expenditure of such funds by the Tri-State Regional Planning Commission be subject to the approval of the Commissioner of the Department of Community Affairs.

The unexpended balance as of June 30, 1978 in the Planned Real Estate Development Full Disclosure Act account is hereby appropriated for the same purpose.

Income Security and Human Resource Development

52300. Human Resource Development

52310-800.	Human Resources	$607,419*
52320-800.	Programs for Aging	677,339
	Total Appropriation	$1,324,758

Salaries:		
Officers and employees	(	$471,026)
New positions	(	69,722)
Materials and Supplies	(	18,875)
Services Other Than Personal	(	81,535)
Maintenance of Property:		
Recurring	(	1,700)
Non-recurring and replacements	(	500)
Extraordinary:		
For operation of a Division on Women	(	148,000)
Newark Community Center for the Arts	(	60,000)*
Governor's State Committee on Youth and Children	(	20,000)
YMCA Youth and Government program	(	10,000)
Federal aging programs (State share)	(	150,000)
Expenses of the Commission on Aging	(	2,400)
Ombudsman for the institutionalized elderly	(	250,000)
Additions and Improvements	(	1,000)

The unexpended balances as of June 30, 1978 in the Urban Loan Authority account and Ombudsman for the institutionalized elderly account are hereby appropriated for the same purpose.

The funds hereinabove in the Federal aging programs (State share) account only shall be expended in an amount not to exceed 50% of the non-Federal share of Federally approved projects with non-State agencies; provided, however, that 100% of the non-Federal share be provided for Federally approved projects with State agencies.

Management and General Support

79100. Department Management

79190-800.	Department Management		$1,015,554
	Total Appropriation		$1,015,554
Salaries:			
	Commissioner	($49,000)	
	Officers and employees	(698,649)	
	Position transferred from another subcategory	(15,231)	
	New positions	(41,442)	
Materials and Supplies		(7,350)	
Services Other Than Personal		(181,993)	
Maintenance of Property:			
	Recurring	(7,020)	
	Non-recurring and replacements	(1,250)	
Extraordinary:			
	Compensation awards	(12,644)	
Additions and Improvements		(975)	

The unexpended balance as of June 30, 1978 in the revolving fund for printing literature for sale, and the receipts derived from such sales, are hereby appropriated.

Total Appropriation, Department of Community Affairs	$8,968,722*

DEPARTMENT OF THE PUBLIC ADVOCATE

Public Advocacy

11500. Protection of Citizens' Rights

11510-850.	Mental Health Advocacy	$815,996
11520-850.	Public Interest Advocacy	373,196
11530-850.	Citizens Complaints and Dispute Settlement	483,746
	Total Appropriation	$1,672,938

Salaries:
Officers and employees ..... ($1,221,976)
Positions established from lump sum appropriation ..... (162,358)
Position transferred from another subcategory ..... (10,823)
Materials and Supplies ..... (44,715)
Services Other Than Personal ..... (232,001)

Maintenance of Property:
Recurring ..... (1,065)

The unexpended balance as of June 30, 1978 in the Rate Counsel account, and receipts, are hereby appropriated as a revolving fund for the purpose of defraying the costs of operation of the Rate Counsel activity and 20% of the administrative costs of the Commissioner's office.

Assistance to the Economically Disadvantaged

53200. Criminal Defense of Indigents

53210-850.	Trial	$10,400,031
53220-850.	Appellate	2,205,112
53290-850.	Administration and Special Programs .	679,486
	Total Appropriation	$13,284,629

Salaries:
Officers and employees ..... ($9,219,685)
Positions established from lump sum appropriation ..... (99,367)
Position transferred from another subcategory ..... (7,327)
New positions ..... (107,130)
Materials and Supplies ..... (195,760)
Services Other Than Personal ..... (3,493,625)

Maintenance of Property:
Recurring ..... (5,635)

Extraordinary:
Representation of child abuse cases (State share) ..... (127,800)

Work incentive program (State share)	(	22,000)
Compensation awards	(	6,300)

The unexpended balance as of June 30, 1978 in the Receipts from clients account, and any receipts collected, are hereby appropriated.

The sum hereinabove for Legal and investigative services shall be available for the payment of obligations applicable to prior fiscal years.

Management and General Support

79100. Department Management and General Support

79110-850. Support Services		$481,807
79190-850. Department Management		351,119
Total Appropriation		$832,926
Salaries:		
Commissioner	($49,000)	
Officers and employees	(668,945)	
Materials and Supplies	(35,475)	
Services Other Than Personal	(78,006)	
Maintenance of Property:		
Recurring	(1,500)	
Total Appropriation, Department of the Public Advocate		$15,790,493

DEPARTMENT OF CORRECTIONS

Custody, Care and Rehabilitation

12100. Institutional Services

870. State Prison, Trenton

12110.	Institutional Control and Supervision	$6,890,067
12120.	Institutional Care Program	3,113,551
12130.	Institutional Treatment Program	739,720
12170.	Education Program—Garden State School District	305,018

12190. Institutional Administration		416,570
Total Appropriation		$11,464,926
Salaries:		
Officers and employees	($8,786,004)	
New positions	(26,788)	
Food in lieu of cash	(90,720)	
Materials and Supplies	(1,826,559)	
Services Other Than Personal	(519,980)	
Maintenance of Property:		
Recurring	(62,370)	
Non-recurring and replacements	(26,275)	
Extraordinary:		
Correctional drug program supervision	(22,730)	
Compensation awards	(85,000)	
Additions and Improvements	(18,500)	

871. State Prison, Rahway

12110. Institutional Control and Supervision		$5,023,626
12120. Institutional Care Program		2,874,275
12130. Institutional Treatment Program		656,237
12170. Education Program—Garden State School District		254,514
12190. Institutional Administration		389,271
Total Appropriation		$9,197,923
Salaries:		
Officers and employees	($6,216,062)	
New positions	(198,839)	
Food in lieu of cash	(49,812)	
Materials and Supplies	(1,860,658)	
Services Other Than Personal	(714,413)	
Maintenance of Property:		
Recurring	(53,615)	
Non-recurring and replacements	(32,024)	
Extraordinary:		
Compensation awards	(70,000)	
Additions and Improvements	(2,500)	

12190-871-300. Rahway Regional Laundry

The unexpended balance as of June 30, 1978 in the Rahway Regional Laundry account, and receipts derived from laundry services furnished to the several institutions, are hereby appropriated as a revolving fund for the purpose of defraying costs of operation and maintenance of the Rahway Regional Laundry.

12190-871-301. Dental Laboratory

The unexpended balance as of June 30, 1978 in the Dental Laboratory account, and receipts derived from dental services furnished to the several institutions, are hereby appropriated as a revolving fund for the purpose of defraying costs of operation of the Dental Laboratory.

872. State Prison, Leesburg

12110.	Institutional Control and Supervision	$3,551,255
12120.	Institutional Care Program	2,491,396
12130.	Institutional Treatment Program	565,026
12170.	Education Program—Garden State School District	267,646
12190.	Institutional Administration	292,683
	Total Appropriation	$7,168,006

Salaries:	
Officers and employees	($4,795,282)
New positions	(178,559)
Food in lieu of cash	(16,279)
Materials and Supplies	(1,506,536)
Services Other Than Personal	(540,742)
Maintenance of Property:	
Recurring	(52,550)
Non-recurring and replacements	(37,350)
Extraordinary:	
Compensation awards	(9,000)
Additions and Improvements	(31,708)

12190-872-300. Leesburg Regional Bakery

The unexpended balance as of June 30, 1978 in the Leesburg Regional Bakery account, and receipts derived from the sale of bakery products to the several institutions, are hereby appropriated as a revolving fund for the purpose of defraying costs of operation of the Leesburg Regional Bakery.

874. Correctional Institution for Women, Clinton

12110.	Institutional Control and Supervision	$2,247,856
12120.	Institutional Care Program	1,695,186
12130.	Institutional Treatment Program	343,283
12170.	Education Program—Garden State School District	210,291
12190.	Institutional Administration	296,583
	Total Appropriation	$4,793,199

Salaries:		
Officers and employees	(	$3,543,784)
New positions	(	27,338)
Food in lieu of cash	(	30,969)
Materials and Supplies	(	638,516)
Services Other Than Personal	(	357,427)
Maintenance of Property:		
Recurring	(	52,475)
Non-recurring and replacements	(	54,190)
Extraordinary:		
State assumption of institutional treatment teams program	(	40,000)
Special offender treatment program (State share)	(	10,500)
Compensation awards	(	38,000)

875. Adult Diagnostic and Treatment Center, Avenel

2110.	Institutional Control and Supervision	$1,194,717
2120.	Institutional Care Program	890,875
2130.	Institutional Treatment Program	239,126

12140.	Outpatient Diagnostic and Treatment Services	233,023
12170.	Education Program—Garden State School District	150,281
12190.	Institutional Administration	224,830
	Total Appropriation	$2,932,852

Salaries:	
Officers and employees	($2,233,026)
New positions	(32,472)
Food in lieu of cash	(23,328)
Materials and Supplies	(397,060)
Services Other Than Personal	(137,467)
Maintenance of Property:	
Recurring	(29,300)
Non-recurring and replacements	(34,000)
Additions and Improvements	(46,199)

877. Youth Reception and Correction Center, Yardville

12110.	Institutional Control and Supervision	$3,616,337
12120.	Institutional Care Program	2,351,135
12130.	Institutional Treatment Program	986,805
12170.	Education Program—Garden State School District	491,538
12190.	Institutional Administration	347,697
	Total Appropriation	$7,793,512

Salaries:	
Officers and employees	($5,805,434)
New positions	(39,049)
Food in lieu of cash	(62,856)
Materials and Supplies	(1,301,126)
Services Other Than Personal	(440,697)
Maintenance of Property:	
Recurring	(51,200)
Non-recurring and replacements	(33,750)
Extraordinary:	
Compensation awards	(42,000)
Additions and Improvements	(17,400)

878. Youth Correctional Institution, Bordentown

12110.	Institutional Control and Supervision	$3,000,462
12120.	Institutional Care Program	1,900,501
12130.	Institutional Treatment Program	613,439
12170.	Education Program—Garden State School District	323,624
12190.	Institutional Administration	369,249
	Total Appropriation	$6,207,275

Salaries:		
Officers and employees	(	$4,442,562)
New positions	(	109,574)
Food in lieu of cash	(	49,734)
Materials and Supplies	(	1,068,926)
Services Other Than Personal	(	328,264)
Maintenance of Property:		
Recurring	(	50,350)
Non-recurring and replacements	(	83,400)
Extraordinary:		
Compensation awards	(	40,000)
Additions and Improvements	(	34,465)

12190-878-300. Bordentown Regional Laundry

The unexpended balance as of June 30, 1978 in the Bordentown Regional Laundry account, and receipts derived from laundry services furnished to the several institutions, are hereby appropriated as a revolving fund for the purpose of defraying costs of operation and maintenance of the Bordentown Regional Laundry.

879. Youth Correctional Institution, Annandale

12110.	Institutional Control and Supervision	$2,849,195
12120.	Institutional Care Program	1,816,032
12130.	Institutional Treatment Program	450,551
12170.	Education Program—Garden State School District	209,419
12190.	Institutional Administration	312,700
	Total Appropriation	$5,637,897

Salaries:	
Officers and employees	($4,214,511)
New positions	(57,285)
Food in lieu of cash	(45,927)
Materials and Supplies	(956,614)
Services Other Than Personal	(271,312)
Maintenance of Property:	
Recurring	(34,450)
Non-recurring and replacements	(31,198)
Extraordinary:	
Compensation awards	(20,800)
Additions and Improvements	(5,800)

881. Training School for Boys, Jamesburg

12110.	Institutional Control and Supervision	$1,773,660
12120.	Institutional Care Program	1,862,089
12130.	Institutional Treatment Program	376,162
12170.	Education Program—Garden State School District	457,132
12190.	Institutional Administration	277,775
	Total Appropriation	$4,746,818

Salaries:	
Officers and employees	($3,427,955)
New positions	(160,798)
Food in lieu of cash	(7,898)
Materials and Supplies	(918,643)
Services Other Than Personal	(110,279)
Maintenance of Property:	
Recurring	(55,000)
Non-recurring and replacements	(46,165)
Extraordinary:	
Compensation awards	(8,500)
Additions and Improvements	(11,580)

882. Training School for Boys, Skillman

12110.	Institutional Control and Supervision	$1,055,104
12120.	Institutional Care Program	793,145
12130.	Institutional Treatment Program	251,829

12170.	Education Program—Garden State School District	212,343
12190.	Institutional Administration	247,677
	Total Appropriation	$2,560,098

Salaries:	
Officers and employees	($2,073,354)
New positions	(19,634)
Materials and Supplies	(306,293)
Services Other Than Personal	(87,967)
Maintenance of Property:	
Recurring	(40,300)
Non-recurring and replacements	(20,550)
Extraordinary:	
Compensation awards	(12,000)

12200. Operation of Residential Group Centers

12210-884.	Highfields	$113,153
12220-885.	Warren	129,505
12230-886.	Ocean	134,177
12240-887.	Turrell	134,874
	Total Appropriation	$511,709

Salaries:	
Officers and employees	($333,038)
Food in lieu of cash	(972)
Materials and Supplies	(92,274)
Services Other Than Personal	(29,642)
Maintenance of Property:	
Recurring	(8,406)
Non-recurring and replacements	(33,972)
Extraordinary:	
Compensation awards	(2,383)
Additions and Improvements	(11,022)

*12300. Parole and Community Programs**

12310-860.	Parole	$4,237,608
12320-860.	Community Programs	1,166,360
	Total Appropriation	$5,403,968

Salaries:		
Officers and employees	($3,734,893)	
Position established from lump sum appropriation	(8,905)	
Materials and Supplies	(22,150)	
Services Other Than Personal	(492,020)	
Maintenance of Property:		
Recurring	(4,000)	
Non-recurring and replacements	(10,000)	
Extraordinary:		
Community Residence Center, Jersey City	(95,000)	
Community Service Center, Newark	(260,000)	
Purchase of community services	(115,000)	
Community treatment centers (3)	(662,000)	

Funds received on behalf of parolees by community-based resource facilities are hereby appropriated for the benefit of those parolees.

889. State Parole Board

12330.	State Parole Board	$552,023
	Total Appropriation	$552,023

Salaries:		
Officers and employees	($447,571)	
New positions	(30,462)	
Materials and Supplies	(11,800)	
Services Other Than Personal	(41,290)	
Maintenance of Property:		
Recurring	(7,400)	
Non-recurring and replacements	(3,000)	
Additions and Improvements	(10,500)	

12410-867-300. Bureau of State Use Industries

The unexpended balance as of June 30, 1978 in this account, not to exceed $1,000,000, is hereby appropriated.

12510-868-300. Farm Operations

The unexpended balance as of June 30, 1978, in the Farm Operations Revolving Fund, and receipts derived from sales, are hereby appropriated.

12900. Department Management and General Support

12910-860.	Planning, Program Development and Support Services	$731,074
12930-860.	Department Management	4,903,163
	Total Appropriation	$5,634,237

Salaries:	
Commissioner	($49,000)
Officers and employees	(1,407,959)
Positions established from lump sum appropriation	(331,601)
Positions transferred from another subcategory	(137,265)
New positions	(233,185)
Materials and Supplies	(219,332)
Services Other Than Personal	(198,249)
Maintenance of Property:	
Recurring	(32,720)
Extraordinary:	
Transportation assistance for inmates' families visitations	(95,000)
Officers training school	(250,000)
Purchase of service—Inmates incarcerated in county penal facilities	(2,000,000)
Purchase of service—Institutional support services	(159,394)
Compensation awards	(10,500)

Coordination—Offender treatment program	(	39,067)
Correctional information systems	(	102,041)
State assumption of Federal education programs	(	214,424)
For improving medical care at correctional institutions	(	150,000)
Additions and Improvements	(	4,500)

The unexpended balance as of June 30, 1978 in the Purchase of service—Inmates incarcerated in county penal facilities account be appropriated and available for the payment of obligations applicable to the fiscal year ending June 30, 1978.

Total Appropriation, Department of Corrections	$74,604,443

Balances on hand as of June 30, 1978 of funds held for the benefit of inmates in the several institutions, and such funds as may be received, are hereby appropriated for the use of such inmates.

The unexpended balances as of June 30, 1978 of funds received by the several institutions, representing rental of garages, and such funds as may be received during fiscal year 1978-79, are hereby appropriated for repair and maintenance of existing garages and for construction of additional garages by such institutions.

Payments received by the State from employers of prisoners on their behalf, as part of any work release program, are hereby appropriated for the purposes provided (C30:4–91.1 et seq.).

$3,000,000, or such sum as the Director of the Division of Budget and Accounting shall determine, of the amount appropriated for the Department of Corrections first shall be charged from funds anticipated from the Federal government as Anti-recession fiscal assistance.

The sums hereinafter set forth are hereby appropriated to the Department of Corrections, from the State Lottery Fund:

Education Program—Garden State School District	($2,500,000)
Total Appropriation from the State Lottery Fund	($2,500,000)

MISCELLANEOUS EXECUTIVE COMMISSIONS

Direct Public Services

34200. Programs for the State Library and Historical Commission

917. New Jersey American Revolution Bicentennial Celebration Commission

The unexpended balance as of June 30, 1978 in this account, and receipts derived from commissions and the sale of merchandise, are hereby appropriated.

Environmental Management

41300. Resource Management

914. Delaware River Basin Commission

41310.	Water Supply Management	$330,100
	Total Appropriation	$330,100

Extraordinary:
Expenses of Commission ($330,100)

41400. Pollution Control

913. Interstate Sanitation Commission

41410.	Air Pollution	$81,000
41440.	Water Quality	137,900
	Total Appropriation	$218,900

Extraordinary:		
New Jersey share of air pollution costs (45%)	(	$81,000)
New Jersey share of water quality costs (45%)	(	137,900)

Recreational Management

46100. Recreational Opportunities

911. Palisades Interstate Park Commission

46110. Parks Management		$730,722
46180. Patrol Activities and Crime Control		599,133
Total Appropriation		$1,329,855
Salaries:		
Officers and employees	(	$928,284)
Materials and Supplies	(	161,230)
Services Other Than Personal	(	87,571)
Maintenance of Property:		
Recurring	(	81,420)
Non-recurring and replacements	(	69,950)
Additions and Improvements	(	1,400)

The net share of revenues derived from the operation of gasoline stations on the New Jersey section of the Palisades Interstate Parkway, and the unexpended balance as of June 30, 1978 from such revenues, are hereby appropriated for maintenance, capital projects and plans.

The unexpended balances as of June 30, 1978 from police court, stands and concessions and self-sustaining activities operated or supervised by this Commission, and receipts from such activities, are hereby appropriated.

Operation and Maintenance of Transportation Facilities

63100. State Highway Facilities

912. Delaware River Joint Toll Bridge Commission

63150. Delaware River Joint Toll Bridge Commission		$1,241,51[illegible]
Total Appropriation		$1,241,51[illegible]

Salaries:		
Officers and employees	(	$794,561)
Materials and Supplies	(	48,300)
Services Other Than Personal	(	250,700)
Maintenance of Property:		
Recurring	(	26,000)
Non-recurring and replacements	(	65,950)
Extraordinary:		
Maintenance on the Calhoun Street Bridge, Trenton-Morrisville	(	56,000)

Executive Management, Planning and Control

71200. Central Management, Planning and Control

915. New Jersey Commission on Capital Budgeting and Planning

71210. New Jersey Commission on Capital Budgeting and Planning		$110,000
Total Appropriation		$110,000
Extraordinary:		
Expenses of Commission	(	$110,000)
Total Appropriation, Miscellaneous Executive Commissions		$3,230,366

INTER-DEPARTMENTAL ACCOUNTS

Centrally Financed Facilities and Services

78200. Inter-Departmental Service Appropriations

78210-940. Property Rentals—Buildings and Grounds		$20,971,430
78260-940. Insurance and Other Services		1,275,000
Total Appropriation		$22,246,430
Services Other Than Personal:		
Rent:		
Buildings and grounds		($19,433,315)
Health-Agricultural Building	(	664,500)

Education Building	(332,355)
Cultural Center	(541,260)
Extraordinary:	
Retroactive Premium—Master Automobile Policy	(75,000)
Excess Liability Insurance Master Policy	(700,000)
Tort Claims Liability Fund (C59:12–1)	(500,000)

The Director of the Division of Budget and Accounting is hereby 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 State Fund; and, to the extent that such charges may exceed the amounts appropriated for such purposes to any agency financed from any fund other than the General State Fund, the required additional appropriation shall be made out of such other fund.

With respect to the equitable charges allocated to agencies occupying the Department of Labor and Industry Office Building, such amounts which may be attributable to the amortization of the portion of the building, the construction cost of which was provided from funds made available from the Unemployment Trust Fund, shall be credited to that Fund.

Receipts derived from direct charges and charges to Non-State Fund sources are hereby appropriated for the rental of property, including the costs of operation and maintenance of such properties.

Notwithstanding any other provision of law, no lease for the rent of any office or building shall be executed without the prior written approval of the State Treasurer, the Director of the Division of Budget and Accounting, the President pro-tem

of the Senate and the Speaker of the General Assembly.

The sum hereinabove shall be available for the payment of obligations applicable to prior fiscal years.

The unexpended balance as of June 30, 1978 in the Tort Claims Liability Fund account (C59:12–1) is hereby appropriated for the same purpose.

The amount hereinabove for the Tort Claims Liability Fund (C59:12–1) shall be available for the payment of direct costs of outside legal and investigative services related to the investigation and litigation of claims against the Fund.

The amount hereinabove for Property rentals—Buildings and grounds may be used for offices, rent, telephones, answering services, furniture and office equipment for district offices of members of the Legislature, at a cost not to exceed $3,600 per legislator for rent; provided, however, that the rental of office space for a district office shall not be in any facility in which the legislator has any proprietary interest; provided, further, however, that the sum shall not be used to provide remuneration to any members of the Legislature; and provided, further, however, that the expenditure shall be in accordance with joint rules established by the President of the Senate and the Speaker of the General Assembly.

941. Employee Benefits

78220.	Employee Benefits	$224,461,098
	Total Appropriation	$224,461,098

Extraordinary:

Heath Act	($75,000)
Veterans' Act	(125,000)
Miscellaneous special acts	(13,000)
Governors' widows annuity	(8,000)
Judicial Retirement System	(4,500,000)
Prison officers' pensions	(1,500,000)

Public Employees' Retirement System	(54,602,386)
Social security tax	(62,268,275)
State Police Retirement System	(6,921,145)
State employees' health benefits	(50,860,965)
Prescription drug program	(5,100,000)
Pension Adjustment Act	(9,750,000)
Employer contributions, alternate benefit program	(15,500,000)
Pension and insurance contributions payable to Teachers' Pension and Annuity Fund for higher education and State employee members	(2,437,327)
Unemployment insurance—Employer liability	(4,000,000)
Dental care program, shared cost	(3,300,000)
Police and Firemen's Retirement System (C43:16A-1)	(3,500,000)

Of the sum hereinabove, 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 RS 43:8-2, and continued by RS 43:7-1 et seq., RS 43:8-1 et seq. and RS 43:8-8 et seq.

Any adjustment which may be required for the payment of Premium for non-contributory insurance shall result in a contra-adjustment in the payment of the normal contribution for the Public Employees' Retirement System.

Any adjustment which may be required for the payment of Premium for non-contributory insurance shall result in a contra-adjustment in the payment of the normal contribution for the State Police Retirement System.

Notwithstanding the provisions of any other law, the sum appropriated hereinabove for the Public

Employees' Retirement System may be paid to the System as follows: one-half of such sum may be paid not later than December 31, 1978 in amounts and at times as determined by the Director of the Division of Budget and Accounting; and one-half of such sum may be paid not later than June 30, 1979 in amounts and at times as determined by the Director of the Division of Budget and Accounting, with interest at the average rate of earnings during the fiscal year from the State's general investments, computed from the period beginning July 1, 1978 through the date of such payment.

Such interest as may be required to be paid on account of delayed payments to the Public Employees' Retirement System shall be appropriated from investment earnings.

Such additional sums as may be required for Social security tax, Unemployment Compensation Liability and/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.

$73,500,000, or so much as is received, of the amount appropriated for Social security tax and State employees' health benefits first shall be charged to funds anticipated from the Federal government as general revenue sharing.

942. State Contingency Fund

78230.	State Contingency Fund	$2,250,000
	Total Appropriation	$2,250,000

Extraordinary:

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. Allotments from this appropriation shall be made only upon authorization of the Governor	($400,000)
For allotment, as required, to meet contingencies, including increases in the price of fuel and food, and other commodities and services beyond those anticipated, as the Director of the Division of Budget and Accounting shall determine .	(1,000,000)
For allotment to the various departments or agencies to pay compensation awards allowed State employees, upon approval of the Director of the Division of Budget and Accounting	(150,000)
To the Director of the Division of Budget and Accounting for allotment, as required, to the various agencies to compensate employees for authorized overtime under regulations promulgated by the President of the Civil Service Commission, the State Treasurer and the Director of the Division of Budget and Accounting, or their designated representatives .	(300,000)
To the Director of the Division of Budget and Accounting for allotment to the various departments and agencies who make application for, and demonstrate the need for seed money to implement cost-saving processes or other productivity improvements .	(400,000)

The Director of the Division of Budget and Accounting is hereby empowered to transfer to the Productivity improvements account the savings resulting from the implementation of cost-saving processes or other productivity improvements, as determined by the Director.

943. Salary and Other Benefits

78240.	Salary and Other Benefits	$51,000,000
	Total Appropriation	$51,000,000

Extraordinary:

To the Director of the Division of Budget and Accounting for allotment to the various agencies for lump sum payments to eligible retired employees for earned and unused accumulated sick leave (C11:14-9 et seq.) ..... ($2,000,000)

To the Director of the Division of Budget and Accounting for allotment to the various agencies for the costs of salary and other benefits, including normal merit increments, resulting from negotiated contractual agreements with various employee organizations and costs of salary and other benefits, including normal merit increments, for those employees not covered by a negotiated contractual agreement with any employee organization ..... (49,000,000)

The appropriation for Salary and other benefits hereinabove shall be subject to rules and regulations established by the State Treasurer, the President of the Civil Service Commission and the Director of the Division of Budget and Accounting; and provided, further, that any salary adjustment which may be authorized shall be made effective at the beginning of the bi-weekly

pay period nearest July 1, 1978, or thereafter, as the State Treasurer, the President of the Civil Service Commission, the Director of the Division of Budget and Accounting, or their designated representatives shall determine.

The cash salary rate which may be paid to any employee shall not be increased to a salary rate which exceeds $500 less than the cash salary rate provided by law for the respective department head, including employees of the College of Medicine and Dentistry of New Jersey; Rutgers, The State University; the New Jersey Institute of Technology and the State Colleges; except that the rates of pay of medical faculty at the College of Medicine and Dentistry of New Jersey; of medical doctors in other State agencies; the President of Rutgers, The State University and the President of the New Jersey Institute of Technology, may be increased above the department head's salary rate with the approval of the State Treasurer, the President of the Civil Service Commission and the Director of the Division of Budget and Accounting, or their designated representatives.

No salary range or rate of pay may be increased or salary adjustment paid in any State department, agency, commission or higher education institution without the approval of the State Treasurer, the President of the Civil Service Commission and the Director of the Division of Budget and Accounting, or their designated representatives; and provided, further, that any sums appropriated to the several departments for salaries may be made available for salary adjustment therein, arising from various exigencies of the State service as the State Treasurer, the President of Civil Service Commission and the Director of the Division of Budget and Accounting, or their designated representatives shall determine. A copy of any such salary increase or adjustment shall be transmitted to the Executive Director, Office of Fiscal Affairs, upon the effec-

tive date of such proposal. Nothing herein shall be construed as applicable to the unclassified personnel of the Legislative Branch.

The Classification, Compensation, Promotion and Salary Administration Program Plans of Rutgers, The State University; the New Jersey Institute of Technology and the College of Medicine and Dentistry of New Jersey shall be maintained and amended as required, in accordance with standards and guidelines established by the President of the Civil Service Commission, and approved by the State Treasurer and the Director of the Division of Budget and Accounting, or their designated representatives, and shall be subject to audit by the Department of Civil Service.

Information copies of such program plans as hereinabove described shall be forwarded to the Executive Director, Office of Fiscal Affairs, upon promulgation of such plans.

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 College of Medicine and Dentistry of New Jersey or to the State Board of Higher Education for the New Jersey Institute of Technology, or holding office, position or employment under the Delaware River Joint Toll Bridge Commission, the Palisades Interstate Park Commission and the Interstate Sanitation Commission.

Each person holding such State office, position or employment, whose compensation from State funds is derived in whole or in part from Federal or Non-State Fund sources, shall be entitled to such salary payments which may be authorized which he would receive if his compensation were

paid wholly from State funds; provided, however, that the Federal government or Non-State Fund sources consent thereto and pay the cost thereof.

Such additional sums which may be required to provide supplemental compensation payments to eligible retired employees of the respective departments for accumulated unused sick days shall be allotted from the various departmental operating appropriations to the account for making such lump sum payments as the Director of the Division of Budget and Accounting shall determine.

Total Appropriation, Inter-Departmental Accounts	$299,957,528

THE JUDICIARY

Judicial Affairs

73100. Court Operations

73110-970.	Supreme Court	$1,226,326
73120-970.	Superior Court	10,978,553
	Total Appropriation	$12,204,879

Salaries:	
Chief Justice	($58,500)
Associate Justices (6 @ $56,000)	(336,000)
Judges (120)	(5,866,000)
Officers and employees	(4,400,082)
Position transferred from another subcategory	(8,905)
New positions	(462,212)
Materials and Supplies	(444,700)
Services Other Than Personal	(564,980)
Maintenance of Property:	
Recurring	(29,500)
Non-recurring and replacements	(14,000)
Additions and Improvements	(20,000)

The unexpended balance as of June 30, 1978 in this account is hereby appropriated.

$3,000,000 of the amount provided for Court Operations, or such sum as the Director of the Division of Budget and Accounting shall determine, first shall be charged to funds anticipated from the Federal government as Antirecession fiscal assistance.

73200. Court Support Services

73210-970.	Official Court Reporters	$4,027,970
73290-970.	General Support	2,794,735
	Total Appropriation	$6,822,705

Salaries:		
Officers and employees	($5,114,913)	
Position transferred from another subcategory	(17,633)	
New positions	(181,168)	
Materials and Supplies	(253,900)	
Services Other Than Personal	(1,200,591)	
Maintenance of Property:		
Recurring	(9,500)	
Non-recurring and replacements	(15,000)	
Extraordinary:		
Compensation awards	(30,000)	

The unexpended balance as of June 30, 1978 in this account is hereby appropriated.

73300. Court Administration

73310-970.	Legal Services	$781,883
73320-970.	Probation Services	104,848
73390-970.	Management Services	907,912
	Total Appropriation	$1,794,643

Salaries:		
Officers and employees	($1,600,968)	
Materials and Supplies	(52,800)	
Services Other Than Personal	(125,175)	
Maintenance of Property:		
Recurring	(15,700)	

The unexpended balance as of June 30, 1978 in this account is hereby appropriated.

Receipts from charges to the Superior Court Trust Fund and to the Clients' Security Fund for services provided to those Funds are hereby appropriated.

Total Appropriation, The Judiciary $20,822,227

Total Appropriation, General State Operations $1,795,570,935*

STATE AID

DEPARTMENT OF LAW AND PUBLIC SAFETY

Law Enforcement

11400. Protection of Individual Rights—State Aid

11410-160. Consumer Affairs—General $2,700

Total Appropriation $2,700

Grants-in-Aid:

Payment of fees to counties and municipalities from the sale of solid fuel licenses (RS 51:8-13), approximating ..... ($2,400)

Payment of fees to counties and municipalities from the sale of poultry licenses (RS 4:11-48), approximating ..... (300)

In addition to the amount hereinabove, there is hereby appropriated, subject to allotment by the Director of the Division of Budget and Accounting, such additional sums, not in excess of 50% of the revenues received, as may be required to make payments (RS 51:8-13 and RS 4:11-48).

11600. Miscellaneous Law Enforcement and Related Agencies—State Aid

11620-190.	Law Enforcement Planning	$395,861
	Total Appropriation	$395,861

Grants-in-Aid:
For 50% of the non-Federal share of Law Enforcement Assistance Action Grant projects undertaken by local governments, in compliance with the Federal Omnibus Crime Control and Safe Streets Act ($363,194)
For 50% of the non-Federal share of Law Enforcement Assistance Planning Grant projects undertaken by local governments, in compliance with the Federal Omnibus Crime Control and Safe Streets Act (32,667)

The unexpended balance as of June 30, 1978 in the Action grant account, not to exceed $300,000, is hereby appropriated.

Total Appropriation, Department of Law and Public Safety $398,561

DEPARTMENT OF THE TREASURY

Financial Aid to Counties and Municipalities

77100. Shared and State-Collected Local Taxes—State Aid

77120-240.	Railroad Property Taxes	$6,999,967
77130-240.	Business Personal Property Tax Replacement	158,703,834
	Total Appropriation	$165,703,801

Extraordinary:
Payments to municipalities in lieu of railroad property tax ($6,999,967)

Payments to municipalities to avoid loss of revenue to municipalities resulting from elimination of Local Property Tax on business personalty ..... (158,703,834)

In addition to the amount hereinabove, there are hereby appropriated such additional sums as may be required for the payment of State aid to certain municipalities in which railroad property is located (C54:29A–1, et seq.).

There are hereby appropriated so much of the proceeds of taxes derived from the fire insurance premiums as may be required for payment to the New Jersey Firemen's Home and the New Jersey Firemen's Association (RS 54:17–4).

There are hereby appropriated so much of the proceeds derived from the taxes collected from banking corporations, pursuant to the Corporation Business Tax Act and the Business Personal Property Tax Act, as may be required for payment to the local taxing districts (C54:10A–3 et seq.).

There are hereby appropriated so much of the proceeds derived from the imposition of the financial business tax as may be required for payment to the local taxing districts (C54:10B–2 et seq.).

77200. State Subsidies and Services—State Aid

77240-240.	Reimbursement—County Boards of Taxation	$437,500
77250-295.	Consolidated Police and Firemen's Pension Fund	5,741,354
77260-240.	Locally Provided Services	11,200,000
	Total Appropriation	$17,378,854

Salaries:
County Tax Board Members (69) ($437,500)

Extraordinary:		
State contribution to consolidated police and firemen's pension fund	(5,741,354)	
Payments to municipalities for services to State-owned property	(11,200,000)	
Notwithstanding the provision of C54:4-2.2a et seq., no municipality which receives, or is entitled to receive, any extraordinary payment for municipal services and in lieu of taxes under PL 1977, c. 137 shall receive less than the amount that it receives under said PL 1977, c. 137.		
Total Appropriation, Department of the Treasury		$183,082,655

DEPARTMENT OF HEALTH

22100. Prevention, Treatment and Rehabilitation—State Aid		
22110-360. Community Health Services		$12,650,795
Total Appropriation		$12,650,795
Salaries:		
Positions established from lump sum appropriation	($167,902)	
New positions	(41,159)	
Materials and Supplies	(700)	
Services Other Than Personal	(30,020)	
Extraordinary:		
Community health services (PL 1977, c. 277 and C26:2F-2.1 et seq.)	(2,425,824)	
Assistance to public general hospitals (C30:9-12.29 et seq.)	(9,985,190)	
The capitation is hereby set at 25 cents for the year ending June 30, 1979 for the purposes prescribed (C26:2F-1 et seq.).		
The unexpended balance as of June 30, 1978 in this account, excluding account for Contribution to Bergen Pines Hospital (C30:9-12.29 et seq.), is hereby appropriated.		
Total Appropriation, Department of Health		$12,650,795

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Environmental Management

41300. Resource Management—State Aid

41340-400.	Solid Waste Management	$720,000
	Total Appropriation	$720,000

Extraordinary:

Administrative cost for solid waste planning	($150,000)
Planning grants to solid waste management districts	(570,000)

Of the unexpended balance as of June 30, 1978 in the Shore protection projects account, an amount, not to exceed $75,000, is hereby appropriated for not more than 50% of the cost of the operation and maintenance of the Keansburg hurricane and beach erosion control structure.

The unexpended balance as of June 30, 1978 in the Planning grants to solid waste management districts account is hereby appropriated for the same purpose.

Management and General Support

49100. Department Management—State Aid

49110-400.	Department Management and Administrative Services	$1,193,476
	Total Appropriation	$1,193,476

Extraordinary:

Mosquito control, research and administration	($350,000)
Payment in lieu of taxes on real property acquired for future water supply facilities, recreation and conservation purposes	(587,000)
Aid to environmental agencies for urban environmental concerns	(100,000)

Grants for historic restoration in the Capital City	(60,000)	
Reimbursement to the Borough of Pennington for interest and debt service costs, pursuant to NJSA 26:2E-8.1	(96,476)	

The amount hereinabove for Mosquito control, research and administration shall be made available to the State Mosquito Control Commission; provided, however, that an amount not to exceed $30,000 be available to the Department of Environmental Protection for the administration and coordination of such programs.

The unexpended balance as of June 30, 1978, of receipts, and any additional receipts derived from the rental of property acquired (C58:21A-1 et seq., C58:21B-1 et seq., PL 1971, c. 165 and PL 1974, c. 102), are hereby appropriated for payments in lieu of taxes on such properties and for maintenance of such properties.

The unexpended balance as of June 30, 1978, in the Payment in lieu of taxes on real property acquired for future water supply facilities, recreation and conservation purposes account is hereby appropriated for the same purpose.

Total Appropriation, Department of Environmental Protection	$1,913,476

DEPARTMENT OF EDUCATION

General Assistance for Public and Non-Public Education

31100. General Assistance to Local Educational Agencies—State Aid

31110-500.	General Formula Aid	$353,644,032
31120-500.	Special Education	63,504,818
31130-500.	Teachers' Pension and Annuity Fund	279,028,115
31140-500.	School Building Aid	33,645,021
31150-500.	Pupil Transportation Aid	37,070,000
	Total Appropriation	$766,891,986

Grants-in-Aid:	
Current expense equalization aid (C18A:7A–1 et seq.)	($353,644,032)
Pilot projects for pre-school education for the handicapped	(900,000)
Special education program	(62,604,818)
School building aid debt service	(14,261,070)
Building aid (C18A:7A–1 et seq.)	(19,383,951)
Computerized bus scheduling	(250,000)
Transportation aid	(36,820,000)
Teachers' Pension and Annuity Fund:	
Normal contribution	(109,436,438)
Accrued liability	(25,435,494)
Payment on behalf of local employee veterans appointed after January 1, 1955	(186,810)
Premium for non-contributory insurance	(7,969,373)
Social security tax	(102,000,000)
Pension adjustment act	(34,000,000)

Of the amount hereinabove in the Current expense equalization aid account (C18A:7A–1 et seq.), not more than $250,000 may be used for administrative expenses.

From the amount hereinabove for Current expense equalization aid, an amount not to exceed $5,000,000 may be used to fund County Special Services Districts (NJS 18A:46–44).

Should there be an appropriation insufficient to fully fund the amount of current expense equalization aid authorized by C18A:7A–18, the provisions of C18A:7A–18 notwithstanding, each school district shall be apportioned for State current expense equalization aid the amount found by multiplying the State current expense equalization aid for the 1978-79 school year, calculated in accordance with the aforementioned section by the quotient obtained by dividing the amount appropriated for that purpose by the total current expense equalization aid for the school year 1978-

79, calculated in accordance with the aforementioned section.

The unexpended balance as of June 30, 1978 in the School building aid debt service account is hereby appropriated for the same purpose.

The sum in the Social security tax account is hereby available for the payment of such tax applicable to the prior fiscal year.

Any adjustment in the Premium for non-contributory insurance is hereby reflected in the appropriation for Normal contribution.

The sum in the Pension adjustment act account shall be available for the payment of such increase applicable to the prior fiscal year.

Notwithstanding the provisions of any other law, the sum hereinabove for the State Contribution to Teachers' Pension and Annuity Fund may be paid to the Fund as follows: one-half of such sum may be paid not later than December 31, 1978 in amounts and at times as determined by the Director of the Division of Budget and Accounting; and one-half of such sum may be paid not later than June 30, 1979 in amounts and at times as determined by the Director of the Division of Budget and Accounting, with interest at the average rate of earnings during the fiscal year from the State's general investments, computed from the period beginning July 1, 1978 through the date of such payment.

Such interest as may be required to be paid on account of delayed payments to the Teachers' Pension and Annuity Fund are hereby appropriated from investment earnings.

The unexpended balances as of June 30, 1978 in the remaining Grants-in-Aid accounts, not to exceed $250,000, are hereby appropriated.

31200. Special Assistance to Local Educational Agencies—State Aid

31210-500.	Non-Public School Aid	$12,867,000
31220-500.	Adult and Continuing Education	3,450,000
31230-500.	Nutrition Programs	10,600,000
31240-500.	General Vocational Education	7,161,341
31250-500.	Other Grants-in-Aid	3,006,598
	Total Appropriation	$37,084,939

Grants-in-Aid:

Aid to non-public education	($2,130,000)
Non-public nutrition aid	(580,000)
Non-public handicapped aid	(1,945,000)
Non-public handicapped aid—Transportation	(712,000)
Non-public auxiliary services aid	(5,000,000)
Non-public auxiliary services aid—Transportation	(2,500,000)
Evening school for foreign-born residents	(203,000)
High school equivalency	(1,300,000)
Adult education	(1,058,000)
Adult literacy	(889,000)
State school lunch aid	(10,600,000)
District and regional vocational education	(2,006,341)
Schools of industrial education (NJS 18A:64E-8)	(30,000)
Vocational education	(4,500,000)
Work-study program	(500,000)
National guard cooperative education	(125,000)
Emergency fund	(500,000)
Public school safety act	(2,506,598)

With respect to the amounts hereinabove for Non-public handicapped aid—Transportation and Non-public auxiliary services aid—Transportation, the Department is hereby authorized to allocate this amount to local school districts to provide transportation services to students who

are eligible to receive the services set forth in C18A:46-1 et seq. and C18A:46-19.1 et seq.

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.

Direct Public Services

34200. Programs for the State Library and Historical Commission—State Aid

34210-520. State Library		$7,953,750*
Total Appropriation		$9,000,000
Salaries:		
Officers and employees	($70,927)	
Materials and Supplies	(3,500)	
Services Other Than Personal	(2,400)	
Extraordinary:		
Workshops	(4,000)	
Grants-in-Aid:		
State aid for certain libraries	(7,872,923)*	

34300. Programs for the State Museum—State Aid

34310-530. State Museum		$657,734
Total Appropriation		$657,734
Grants-in-Aid:		
Newark Museum Association	($657,734)	
Total Appropriation, Department of Education		$812,588,409*

The sums hereinafter set forth are hereby appropriated to the Department of Education, from the State Lottery Fund:

Non-public school aid	($10,000,000)
School building aid debt service	(10,000,000)
Total Appropriation from State Lottery Fund	($20,000,000)

DEPARTMENT OF HIGHER EDUCATION

Department Management and General Support

39200. General Support—State Aid

39220-540.	Aid to County Colleges	$50,377,900*
	Total Appropriation	$50,377,900

Grants-in-Aid for County Colleges:

Capital projects	($1,797,900)
Operational costs	(47,120,000)
Academic support for Passaic County College	(*)
Debt service (NJS 18A:64A-22)	(1,460,000)

The unexpended balance as of June 30, 1978 in this account is hereby appropriated.

In computing the State support for operational costs for any county college or any county-assisted junior college, there shall be excluded from the total operational costs of such college that portion of salary costs which may result from any salary schedule adopted by the college which is higher than the salary schedule in effect during the same fiscal-academic year for the New Jersey State colleges.

It is the intent of the appropriation to fund a total enrollment during the 1978-79 fiscal year of 68,500 equated full-time students and no adjustment shall be payable in future fiscal years to compensate any county college or any county-assisted junior college for enrollment in excess of its proportionate share of the said total.

Total Appropriation, Department of Higher Education	$50,377,900*

The sum hereinafter set forth is hereby appropriated to the Department of Higher Education, from the State Lottery Fund:

Aid to county colleges	($46,000,000)
Total Appropriation from State Lottery Fund	($46,000,000)

DEPARTMENT OF TRANSPORTATION

Construction of Transportation Facilities

61200. Public Transportation Facilities—State Aid

61250-600. Grade Crossing Projects

The unexpended balance as of June 30, 1978 in this account is hereby appropriated.

61500. Local Highway Facilities—State-Aid

61520-620.	Federal Aid Urban Highway Projects	$9,000,000
61530-620.	Federal Aid Rural Highway Projects	1,500,000
61540-620.	Federal Aid Highway Safety Projects	500,000
61560-620.	County and Municipal Aid	1,100,000
61590-620.	Construction Engineering	1,670,221
	Total Appropriation	$13,770,221

Salaries:	
Officers and employees	($1,464,385)
Positions transferred from another subcategory	(88,136)
Materials and Supplies	(40,700)
Services Other Than Personal	(75,200)
Maintenance of Property:	
Recurring	(500)
Non-recurring and replacements	(1,300)
Extraordinary:	
Federal Aid Urban Systems Highway Projects	(9,000,000)
Federal Aid Rural Highway Projects	(1,500,000)
Federal Aid Highway Safety Projects	(500,000)
County and municipal aid for lighting	(1,100,000)

The unexpended balance as of June 30, 1978 in this account is hereby appropriated.

Notwithstanding the provisions of RS 27:15–1 et seq., C27:15–1.14 et seq., PL 1966, c. 33, or any

other statute or law, the Commissioner of Transportation may rescind previous sums allocated under RS 27:15–1 et seq., C27:15–1.14 et seq. and PL 1966, c. 33 for which counties or municipalities have not taken necessary actions to proceed with the authorized projects in a timely manner, as determined by the Commissioner of Transportation; provided, however, that the unexpended balances as of June 30, 1978 of such sums made available by any rescission, as provided herein, shall be appropriated for a road maintenance program for counties or municipalities; provided further, however, that none of the funds herein may be expended until the Commissioner submits a plan to the Subcommittee on Transfers of the Joint Appropriations Committee, and said plan is approved.

Capital funds are hereby available for allotment by the Commissioner of Transportation, subject to the approval of the Director of the Division of Budget and Accounting, to provide the non-Federal share of construction of Local Highway facilities.

Amounts hereinabove to match Federal funds are hereby transferred for Capital projects as the Commissioner of Transportation shall determine, subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Transportation	$13,770,221

DEPARTMENT OF HUMAN SERVICES

Mental Health

26900. Management and General Support—State Aid

26910-770.	Community Services	$27,624,000
	Total Appropriation	$27,624,000

Extraordinary:
Support of patients in county mental hospitals (RS 30:4–78) . . ($20,300,000)
Establishment, development, improvement and expansion of community mental health services . . . (7,324,000)

The unexpended balance as of June 30, 1978 in this account is hereby appropriated.

Funds hereinabove for Establishment, development, improvement and expansion of community mental health services shall be available for training stipends, training programs and the support of demonstration projects in mental health, to the extent that the appropriation exceeds the funds required for the aid program.

The sums hereinabove shall be available for the payment of obligations applicable to prior fiscal years.

Income Security and Human Resource Development

52500. Provision of Income Maintenance to Public Indigents—State Aid

52530-715.	Income Maintenance	$241,553,000
	Total Appropriation	$241,553,000

Extraordinary:
Payments to municipalities for cost of general assistance (State share) ($36,696,000)
Payments for dependent children assistance—Regular segment (State share) (176,000,000)
Payments for dependent children assistance—Unemployment of father (State share) (7,163,000)
Payments for dependent children assistance—Insufficient employment of parents (State share) (5,609,000)

Payments for supplemental security income (State share) ..... (15,335,000)
Payments for emergency assistance (State share) ..... (750,000)

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 RS 44:7–14, C44:10–4 et seq., C30:4B–1 et seq. and C44:13–1 et seq., during the fiscal year ending June 30, 1979 are hereby appropriated.

Receipts from State administered towns during the fiscal year ending June 30, 1979 are hereby appropriated.

The sum hereinabove shall be available for payment of obligations applicable to prior fiscal years.

A portion of the amount hereinabove for Payments to municipalities for cost of general assistance (State share), not to exceed $500,000, shall be available for transfer to the Department of Labor and Industry, Division of Employment Services, to support the implementation of PL 1977, c. 286, requiring that employable general assistance recipients work for their grants. Any funds transferred to the Department of Labor and Industry shall be used solely to fund employability teams and other costs necessary to properly implement this general assistance work program. The amount transferred shall not exceed the amount which is saved through the placement of general assistance recipients in jobs as a result of intensified employment services.

The amount hereinabove for Payments for supplemental security income (State share) account shall be available for payments to County Welfare Boards to reimburse the Boards for emergency loans to SSI recipients which are not repaid by the recipients.

52600. Social Services for Youth and Families—State Aid

52620-717.	Residential Services	$10,756,941
52630-717.	Social Services	14,046,723
	Total Appropriation	$24,803,664

Extraordinary:
Payment of child care costs (State share) (C30:4C–1 et seq.):

Residential services	($10,756,941)
Foster care	(11,091,773)
Adoption subsidies	(1,100,600)
Day care	(1,134,100)
Homemaker	(180,325)
Summer day care	(204,975)
Health services	(334,950)

Funds recovered under C30:4C–1 et seq. during the fiscal year ending June 30, 1979, are hereby appropriated.

The sum hereinabove shall be available for the payment of obligations applicable to prior fiscal years.

It is further recommended that the amount hereinabove for this account be reduced by the amount of additional Federal funds made available for AFDC—Foster Care and that such reduction be lapsed into the General State Fund.

Total Appropriation, Department of Human Services	$293,980,664

DEPARTMENT OF COMMUNITY AFFAIRS

Development of Community Programs

42100. Community Development Management—State Aid

42110-800.	Housing Code Enforcement	$36,000
42120-800.	Housing	2,155,000*
42130-800.	Local Government Services	53,803,370
	Total Appropriation	$56,144,370

Extraordinary:		
Membership in Building Codes Association for municipalities	(	$36,000)
Neighborhood preservation	(	1,000,000)
Revolving Housing Development and Demonstration Grant Fund	(	355,000)*
Relocation assistance	(	800,000)
Aid to depressed rural centers	(	400,000)
Public service training internships	(	250,000)
Safe and clean neighborhoods	(	12,000,000)
Interlocal services	(	350,000)
Municipal aid pursuant to PL 1978, c. 14	(	38,989,871)
Municipal aid payment to Lakewood Township	(	263,499)
Payment to Jersey City for urban aid, redevelopment, planning and to qualify for Federal funds	(	1,550,000)

Of the sum hereinabove for Neighborhood preservation, a sum not to exceed $150,000 shall be used for administration of the program.

In addition to the amount hereinabove for Neighborhood preservation, there is hereby appropriated from the State Mortgage Assistance Fund $1,000,000 for the Neighborhood Preservation program.

The unexpended balance as of June 30, 1978 in the Revolving Housing Development and Demonstration Grant Fund account, and receipts, are hereby appropriated for the same purpose.

Of the amount hereinabove for the Revolving Housing Development and Demonstration Grant Fund, and unexpended balances as of June 30, 1978 in such account, at least $1,000,000 shall be made available to the Housing Finance Agency for seed money loans.

The amount hereinabove for Relocation assistance shall be available to municipalities qualifying for assistance; provided, however, that each recipient municipality match its grant with an equal

amount, except for those municipalities exempted by rules and regulations, to be promulgated by the Department.

The amount hereinabove for Safe and clean neighborhoods shall be available to those municipalities qualifying for Municipal aid, subject to enactment of enabling legislation, for the purpose of improving safety and cleanliness of neighborhoods; provided, however, that each recipient municipality match its allocation with an equal amount; and provided, further, that no municipality receive more than $1,000,000.

Notwithstanding the provisions of PL 1977, c. 260, the amount hereinabove for Aid to depressed rural centers shall be used to provide State aid under the Depressed Rural Centers Aid Act.

No payment, pursuant to PL 1978, c. 14, shall be made to any municipality which does not qualify for aid pursuant to section 1 of said act, unless it had issued qualified bonds guaranteed by municipal aid prior to 1978.

Of the amount hereinabove for payment to Jersey City, the sum of $50,000 shall be retained by the Department of Community Affairs to assist, monitor and evaluate the program.

Income Security and Human Resource Development

52300. Human Resource Development—State Aid

52310-800.	Human Resources	$1,920,000*
52320-800.	Programs for Aging	400,000
	Total Appropriation	$2,398,000

Extraordinary:

Community development	($395,000)
Economic opportunity programs	(800,000)
Office of hispanic affairs	(550,000)
Special youth olympics	(75,000)
Program development	(100,000)*
County offices on aging	(400,000)

The unexpended balance as of June 30, 1978 in the Recreation for the handicapped account is hereby appropriated for the same purpose.

Total Appropriation, Department of Community Affairs $58,314,370*

THE JUDICIARY

Judicial Affairs

73100. Court Operations—State Aid

73130-970.	County Courts	$2,368,800
	Total Appropriation	$2,368,800

Extraordinary:

Amounts to be paid to various counties representing 40% of the salaries of county court judges (NJS 2A:3–19)	($2,328,800)
Reimbursement to counties for the cost of county court judges temporarily assigned to the Superior Court outside their counties (C2A:3–19.1)	(15,000)
Reimbursement to counties for certain expenses incurred in connection with the prosecution and defense of defendants accused of committing crimes in State penal or correctional institutions (C2A:166A–1 et seq.)	(25,000)

The unexpended balance as of June 30, 1978 in this account is hereby appropriated.

The sum hereinabove shall be available for the payment of obligations applicable to prior fiscal years.

Total Appropriation, The Judiciary $2,368,800

Total Appropriation, State Aid $1,429,445,851*

CAPITAL CONSTRUCTION

DEPARTMENT OF LAW AND PUBLIC SAFETY

Law Enforcement

11100-140. Regulation of Motor Vehicles—Capital

Motor vehicle weighing stations	$150,000

The unexpended balance as of June 30, 1978 in this account is hereby appropriated.

11200-120. State Police—Capital

Troop headquarters and garage, North Jersey	$2,236,000

The unexpended balance as of June 30, 1978 in this account is hereby appropriated.

11300. Legal, Administrative and Support Services—Capital

Forensic science laboratory, State Medical Examiner	$282,000

The unexpended balance as of June 30, 1978 in this account is hereby appropriated.

11400-160. Protection of Individual Rights—Capital

The unexpended balance as of June 30, 1978 in this account is hereby appropriated.

Total Appropriation, Department of Law and Public Safety	$2,668,000

DEPARTMENT OF THE TREASURY

Centrally Financed Facilities and Services

78100-230. Central Support Services—Capital

Eliminate barriers to handicapped, Capitol complex	$100,000
Office space planning, Capitol complex	100,000

The unexpended balance as of June 30, 1978 in this account is hereby appropriated.

Total Appropriation, Department of the Treasury	$200,000

DEPARTMENT OF CIVIL SERVICE

Personnel Management

75500-310. Merit System Administration—Capital

Performance test center for trade titles	$200,000
Total Appropriation, Department of Civil Service	$200,000

DEPARTMENT OF AGRICULTURE

Environmental Management

41100-330. Disease Control and Agricultural Development Services—Capital

Biological pest control hatchery	$100,000
Total Appropriation, Department of Agriculture	$100,000

DEPARTMENT OF DEFENSE

Protection Against Natural and Man-made Hazards

13100-340. National Guard—Capital

Paterson area, new armory	$300,000

The unexpended balance as of June 30, 1978 in this account is hereby appropriated.

The amount hereinabove for Paterson area, new armory may not be used for construction of an armory in Totowa. The location of such new armory shall be on a site in Paterson or its surrounding area which is suitable to the Department of Defense and to the municipality.

Total Appropriation, Department of Defense	$300,000

DEPARTMENT OF ENERGY

Education and Intellectual Development

34500-352. Public Broadcasting—Capital

Transmitter signal improvement, North Jersey	$512,000
Update transmitter facilities	57,175
Replace studio equipment	31,500
Mini-van	37,500
ENG cameras and VTR units	37,750
Total Appropriation, Department of Energy	$675,925

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Environmental Management

*41300-400. Resource Management—Capital**

Water Supply and Flood Plain Management

The unexpended balance as of June 30, 1978 in this account is hereby appropriated.

Proceeds derived from the sale or exchange of State-owned Delaware and Raritan Canal land and/or buildings heretofore acquired under RS 13:13–1 et seq. are hereby appropriated for acquisition of and/or easement over adjacent lands for the purpose of protecting Delaware and Raritan Canal Waterways, rehabilitation of existing flood guard and towpath embankments and related appurtenances thereto, and replacing Delaware and Raritan Canal maintenance service centers.

There is hereby appropriated from the Water Conservation Fund the sum of $150,000* for the purpose of a grant to the Gloucester County Sewerage Authority as the State share of up to 20% of the cost of renovation of a sludge treatment unit and expansion of plant capacity.

41300-400. Resource Management—Capital

Wildlife and Fisheries Management

The unexpended balance as of June 30, 1978 in this account is hereby appropriated.

Recreational Management

46100-400. Recreational Opportunities—Capital

Parks Management

The unexpended balance as of June 30, 1978 in this account is hereby appropriated.

Notwithstanding the provisions of C52:34–6 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 at Waterloo Village, or for the construction of new facilities at Waterloo Village, in a sum not to exceed $75,000.

46100-400. Recreational Opportunities—Capital

Recreational Boating

The unexpended balance as of June 30, 1978 in this account is hereby appropriated.

DEPARTMENT OF EDUCATION

Programs for Special Groups and Limited Purposes

32500-500. Vocational Education Programs—Capital

The unexpended balance as of June 30, 1978 in this account is hereby appropriated.

Direct Public Services

34100-535. Services for the Handicapped—Capital

The unexpended balance as of June 30, 1978 in this account is hereby appropriated.

34200-520. Programs for the State Library and Historical Commission—Capital

Records storage center/library for the blind and handicapped $350,000

34300-530. Programs for the State Museum—Capital

Museum of cultural history exhibit	$550,000

The unexpended balance as of June 30, 1978 in this account is hereby appropriated.

Total Appropriation, Department of Education	$900,000

DEPARTMENT OF HIGHER EDUCATION

Higher Education

33900. Support Services—Capital

570, 572. Rutgers, The State University

Camden Campus, site development	$100,000*

The unexpended balance as of June 30, 1978 in this account is hereby appropriated.

573. College of Medicine and Dentistry of New Jersey

The unexpended balance as of June 30, 1978 in this account is hereby appropriated.

594. State College Construction

Purchase of the TRIAD building at Glassboro State College	$900,000

The unexpended balance as of June 30, 1978 in this account is hereby appropriated.

Department Management and General Support

39100. General Support—Capital

540. Other Capital Construction

Renovation and maintenance projects, State colleges, Rutgers, College of Medicine and Dentistry, New Jersey Institute of Technology	$3,000,000

The unexpended balance as of June 30, 1978 in this account is hereby appropriated.

Total Appropriation, Department of Higher Education	$4,000,000*

DEPARTMENT OF TRANSPORATION

Construction of Transportation Facilities

61110-612. State Highway Facilities—Capital

61110-612.	Federal Aid Interstate Highway Projects	$17,600,000
61120-612.	Federal Aid Urban System Highway Projects	
61130-612.	Federal Aid Rural Highway Projects	
61140-612.	Federal Aid Highway Safety Projects	
61150-612.	Federal Aid Consolidated Primary Highway Projects	
61160-612.	Non-Federal Aid Highway Projects	
61180-612.	Physical Plant Construction Projects	1,300,000
61190-612.	Transportation Construction Engineering	11,633,837
	Total Appropriation	$30,533,837

Salaries:
Officers and employees ..... ($9,224,889)
Materials and Supplies ..... (382,980)
Services Other Than Personal ..... (1,935,968)

Maintenance of Property:
Recurring ..... (20,000)
Non-recurring and replacements ... (35,000)
Additions and Improvements ..... (35,000)

The unexpended balance as of June 30, 1978 in this subcategory is hereby appropriated.

The sums hereinabove for State Highway Construction shall be set forth in a construction program, by route number within the program elements of the appropriation, by the Commissioner of Transportation, with the approval of the Director of the Division of Budget and Accounting, and shall not be expended or contracted for without the approval of the Governor.

From the amount hereinabove for State Highway Construction, there may be allocated such amounts as the Commissioner of Transportation may de-

termine, subject to the approval of the Director of the Division of Budget and Accounting, for personal services by contract or, in lieu thereof, by State employees for planning, engineering, design, research, construction, right-of-way acquisition or other costs related to the construction program.

Of the sums hereinabove, not more than $3,000,000 may be used for non-participating portions of Federal aid projects.

Funds hereinabove may be allocated to provide the non-Federal share of construction of Local highway facilities.

Funds hereinabove for State highway construction may be available for public transportation capital purposes.

Any appropriation herein or heretofore made for projects and programs within the purview of C54:8–1 et seq. (Emergency Transportation Tax Act), as determined by the Director of the Division of Budget and Accounting, first shall be charged to the Transportation Fund established in such Act.

Any appropriation herein or heretofore made for projects and programs within the purview of C54:8A–58 et seq. (Transportation Benefits Tax Act), as determined by the Director of the Division of Budget and Accounting, first shall be charged to the Transportation Benefits Fund established in such Act.

61200-612. Public Transportation Facilities—Capital

The unexpended balance as of June 30, 1978 in this account is hereby appropriated.

The sum hereinabove for Public Transportation capital may be used to make payments in accordance with labor protective agreements entered into as a condition of receiving Federal funds for capital projects.

Total Appropriation, Department of Transportation $30,533,837

DEPARTMENT OF HUMAN SERVICES

Mental Retardation

25100. Residential Functional Services—Capital

760. Division of Mental Retardation

The unexpended balance as of June 30, 1978 in this account is hereby appropriated.

Mental Health

26100. Institutional Services—Capital

770. Division of Mental Health

The unexpended balance as of June 30, 1978 in this account is hereby appropriated.

Income Security and Human Resource Development

52400. Services to the Blind and Visually Impaired—Capital

716. Commission for the Blind and Visually Impaired

Residential rehabilitation center $360,000

52600. Social Services for Youth and Families—Capital

717. Division of Youth and Family Services

The unexpended balance as of June 30, 1978 in this account is hereby appropriated.

52700. Services to Veterans—Capital

Repair waterlines and hydrants $189,000

The unexpended balance as of June 30, 1978 in this account is hereby appropriated.

Management and General Support

79100-700. Department Management and General Support —Capital

Planning for the elimination of facility barriers to the handicapped	$100,000
Equipment and furnishings of new office building	700,000
Total Appropriation	$800,000

The unexpended balance as of June 30, 1978 in this account is hereby appropriated.

Total Appropriation, Department of Human Services	$1,349,000

DEPARTMENT OF CORRECTIONS

Custody, Care and Rehabilitation

12100-860. Institutional Services—Capital

Life safety improvements, cottages, Correctional Institution for Women, Clinton	$276,969
Mechanical improvements, Correctional Institution for Women, Clinton	92,400
Replace roofs, Youth Reception and Correction Center, Yardville	1,411,200
Replace waterlines, Training School for Boys, Jamesburg	1,067,590
Total Appropriation, Department of Corrections	$2,848,159

The unexpended balance as of June 30, 1978 in this account is hereby appropriated.

MISCELLANEOUS EXECUTIVE COMMISSIONS

Recreational Management

46100. Recreational Opportunities—Capital

911. Palisades Interstate Park Commission

The net share of revenues derived from the operation of gasoline stations on the New Jersey section of the Palisades Interstate Parkway, and the unexpended balances of such revenues, as of June 30, 1978, are hereby appropriated for capital projects and plans.

Total Appropriation, Capital Construction . $43,774,921*

Funds derived from the sale of any lands and buildings or proceeds from the sale of all fill material held by a department are hereby appropriated for acquisition of land, rehabilitation or improvement of existing facilities and construction of new facilities for use by that department.

DEBT SERVICE

DEPARTMENT OF ENERGY

Education and Intellectual Development

34500. Public Broadcasting—Debt Service

34570-352.	Interest on Bonds	$323,463
34580-352.	Redemption of Bonds	309,000
	Total Appropriation, Department of Energy	$632,463

Extraordinary:

Interest on Public Buildings Construction Bonds (PL 1968, c. 128) . (	$323,463)
Redemption of Public Buildings Construction Bonds (PL 1968, c. 128) . (	309,000)

DEPARTMENT OF HEALTH

Department Management, General Support, Special Programs

29100. Management, Support and Special Programs—

Debt Service

29170-360.	Interest on Bonds	$116,458
29180-360.	Redemption of Bonds	111,000
	Total Appropriation, Department of Health	$227,458

Extraordinary:

Interest on Public Buildings Construction Bonds (PL 1968, c. 128)	($116,458)
Redemption of Public Buildings Construction Bonds (PL 1968, c. 128)	(111,000)

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Management and General Support

49100. Department Management—Debt Service

49170-400.	Interest on Bonds	$20,381,374
49180-400.	Redemption of Bonds	22,745,000
	Total Appropriation, Department of Environmental Protection	$43,126,374

Extraordinary:

Interest on Water Development Bonds (PL 1958, c. 35)	($608,500)
Interest on State Recreation and Conservation Land Acquisition Bonds (PL 1961, c. 46)	(745,200)
Interest on Water Conservation Bonds (PL 1969, c. 127)	(10,648,324)
Interest on State Recreation and Conservation Land Acquisition Bonds (PL 1971, c. 165)	(3,893,250)
Interest on State Recreation and Conservation Land Acquisition and Development Bonds (PL 1974, c. 102)	(3,219,470)

Interest on Clean Waters Bonds (PL 1976, c. 92)	(1,266,630)
Redemption of Water Development Bonds (PL 1958, c. 35)	(2,500,000)
Redemption of State Recreation and Conservation Land Acquisition Bonds (PL 1961, c. 46)	(2,600,000)
Redemption of Water Conservation Bonds (PL 1969, c. 127)	(10,255,000)
Redemption of State Recreation and Conservation Land Acquisition Bonds (PL 1971, c. 165)	(2,830,000)
Redemption of State Recreation and Conservation Land Acquisition and Development Bonds (PL 1974, c. 102)	(3,330,000)
Redemption of Clean Waters Bonds (PL 1976, c. 92)	(1,230,000)

DEPARTMENT OF EDUCATION

Department Planning, Management and General Support

39100. Department Planning and Management—

Debt Service

39170-500.	Interest on Bonds	$1,703,825
39180-500.	Redemption of Bonds	1,833,000
	Total Appropriation, Department of Education	$3,536,825

Extraordinary:	
Interest on Public Buildings Construction Bonds (PL 1968, c. 128)	($1,186,125)
Interest on State Facilities for Handicapped Bonds (PL 1973, c. 149)	(517,700)
Redemption of Public Buildings Construction Bonds (PL 1968, c. 128)	(1,133,000)
Redemption of State Facilities for Handicapped Bonds (PL 1973, c. 149)	(700,000)

DEPARTMENT OF HIGHER EDUCATION

Department Management and General Support

39100. Department Planning and Management—Debt Service

39170-540.	Interest on Bonds	$23,433,025
39180-540.	Redemption of Bonds	17,540,000
	Total Appropriation, Department of Higher Education	$40,973,025

Extraordinary:

Interest on State Higher Education Construction Bonds (PL 1964, c. 142)	($864,800)
Interest on Public Buildings Construction Bonds (PL 1968, c. 128)	(8,734,350)
Interest on Higher Education Building Construction Bonds (PL 1971, c. 164)	(7,708,775)
Interest on Medical Education Facilities Bonds (PL 1977, c. 235)	(6,125,100)
Redemption of State Higher Education Construction Bonds (PL 1964, c. 142)	(2,600,000)
Redemption of Public Buildings Construction Bonds (PL 1968, c. 128)	(8,340,000)
Redemption of Higher Education Building Construction Bonds (PL 1971, c. 164)	(6,600,000)

DEPARTMENT OF TRANSPORTATION

Department Management and General Support

69100. Department Management and General Support—Debt Service

69170-600.	Interest on Bonds	$27,139,319
69180-600.	Redemption of Bonds	24,385,000
	Total Appropriation, Department of Transportation	$51,524,319

Extraordinary:	
Interest on Highway Improvement and Grade Crossing Elimination Bonds (PL 1930, c. 228)	($102,193)
Interest on State Transportation Bonds (PL 1968, c. 126)	(27,037,126)
Redemption of Highway Improvement and Grade Crossing Elimination Bonds (PL 1930, c. 228)	(675,000)
Redemption of State Transportation Bonds (PL 1968, c. 126)	(23,710,000)

DEPARTMENT OF HUMAN SERVICES

Department Management and General Support

79100. Department Management and General Support—Debt Service

79170-700.	Interest on Bonds	$4,422,699
79180-700.	Redemption of Bonds	6,054,000
	Total Appropriation, Department of Human Services	$10,476,699

Extraordinary:	
Interest on State Institution Construction Bonds (PL 1960, c. 156)	($296,000)
Interest on State Institution Construction Bonds (PL 1964, c. 144)	(733,600)
Interest on Public Buildings Construction Bonds (PL 1968, c. 128)	(3,252,564)
Interest on Institutions Construction Bonds (PL 1976, c. 93)	(140,535)
Redemption of State Institution Construction Bonds (PL 1960, c. 156)	(1,125,000)
Redemption of State Institution Construction Bonds (PL 1964, c. 144)	(1,680,000)
Redemption of Public Buildings Construction Bonds (PL 1968, c. 128)	(3,105,000)
Redemption of Institutions Construction Bonds (PL 1976, c. 93)	(144,000)

DEPARTMENT OF COMMUNITY AFFAIRS

Management and General Support

79100. Department Management—Debt Service

79170-800.	Interest on Bonds	$863,990
79180-800.	Redemption of Bonds	950,000
	Total Appropriation, Department of Community Affairs	$1,813,990

Extraordinary:

Interest on State Housing Assistance Bonds (PL 1968, c. 127)	($523,300)
Interest on Mortgage Assistance Bonds (PL 1976, c. 94)	(340,690)
Redemption of State Housing Assistance Bonds (PL 1968, c. 127)	(600,000)
Redemption of Mortgage Assistance Bonds (PL 1976, c. 94)	(350,000)

DEPARTMENT OF CORRECTIONS

Custody, Care and Rehabilitation

12900. Department Management and General Support—Debt Service

12970-860.	Interest on Bonds	$1,587,779
12980-860.	Redemption of Bonds	2,453,000
	Total Appropriation, Department of Corrections	$4,040,779

Extraordinary:

Interest on State Institution Construction Bonds (PL 1960, c. 156)	($177,600)
Interest on State Institution Construction Bonds (PL 1964, c. 144)	(314,400)
Interest on Public Buildings Construction Bonds (PL 1968, c. 128)	(944,293)
Interest on Institutions Construction Bonds (PL 1976, c. 93)	(151,486)

Redemption of State Institution Construction Bonds (PL 1960, c. 156)	(675,000)	
Redemption of State Institution Construction Bonds (PL 1964, c. 144)	(720,000)	
Redemption of Public Buildings Construction Bonds (PL 1968, c. 128)	(902,000)	
Redemption of Institution Construction Bonds (PL 1976, c. 93)	(156,000)	
Total Appropriation, Debt Service		$156,351,932

Such sums as may be necessary for payment of interest and/or principal due from the issuance of any bonds authorized under the several bond acts of the State, are hereby appropriated and first shall be charged to the earnings from the investment of such bond proceeds.

Total Appropriation, General State Fund .. $3,425,143,639*

PROPERTY TAX RELIEF FUND

GENERAL STATE OPERATIONS

DEPARTMENT OF THE TREASURY

Executive Management, Planning and Control

71300. Tax and Revenue Administration—Property Tax Relief Fund

71390-240. Processing/Administration		$6,330,000
Total Appropriation, Department of the Treasury		$6,330,000

Extraordinary:

Administrative costs of the collection of the gross income tax	($5,055,000)	
Administrative costs of paying homestead exemptions	(1,275,000)	

The amount hereinabove is hereby appropriated from the Property Tax Relief Fund.

The unexpended balance as of June 30, 1978 in this account is hereby appropriated.

In addition to the amounts hereinabove, there are hereby appropriated additional sums as may be required for collection of the Gross Income Tax and the administration of the Homestead Exemptions Act, subject to the approval of the Subcommittee on Transfers of the Joint Appropriations Committee.

Total Appropriation, General State Operations	$6,330,000

STATE AID

DEPARTMENT OF THE TREASURY

Financial Aid to Counties and Municipalities

77200. State Subsidies and Services—State Aid—Property Tax Relief Fund

77210-240.	Revenue Sharing	$50,000,000
77220-240.	Homestead Exemptions	278,000,000
77230-240.	Reimbursement—Senior Citizens' and Veterans' Tax Exemptions	54,000,000
	Total Appropriation, Department of the Treasury	$382,000,000

Extraordinary:

Distribution of revenue sharing funds to qualifying municipalities	($50,000,000)
Payments to home owners for homestead exemptions	(278,000,000)
State reimbursement to municipalities for senior citizens' and veterans' tax exemptions	(54,000,000)

The amount hereinabove is hereby appropriated from the Property Tax Relief Fund.

In addition to the amount hereinabove, there are hereby appropriated from the Property Tax Relief Fund such additional sums as may be required for State reimbursement to municipalities for the senior citizens' and veterans' tax exemptions and for additional payments to home owners qualifying for homestead exemptions.

DEPARTMENT OF EDUCATION

General Assistance for Public and Non-Public Education

31100. General Assistance to Local Educational Agencies —State Aid—Property Tax Relief Fund

31110-500.	General Formula Aid	$379,180,565
31120-500.	Special Education	106,496,497
31140-500.	School Building Aid	35,203,982
31150-500.	Pupil Transportation Aid	53,031,257
	Total Appropriation, Department of Education	$573,912,301

Grants-in-Aid:

Current expense equalization aid (C18A:7A-1 et seq.)	($379,180,565)
Special education	(24,620,547)
Compensatory education research and development	(1,100,000)
Compensatory education aid	(67,922,648)
Bilingual education aid	(6,899,316)
Local vocational aid	(5,953,986)
Building aid	(35,203,982)
Pupil transporation	(53,031,257)

The amount hereinabove is hereby appropriated from the Property Tax Relief Fund.

Should there be an appropriation insufficient to fully fund the amount of current expense equalization aid authorized by C18A:7A-18, the provisions of C18A:7A-18 notwithstanding, each school district shall be apportioned for State current expense equalization aid the amount found by

multiplying the State current expense equalization aid for the 1978-79 school year, calculated in accordance with the aforementioned section by the quotient obtained by dividing the amount appropriated for that purpose by the total current expense equalization aid for the school year 1978-79, calculated in accordance with the aforementioned section.

Should there be an appropriation insufficient to fully fund the amount of State compensatory education aid authorized by C18A:7A–20, the provisions of C18A:7A–20 notwithstanding, each school district shall be apportioned for State compensatory education aid the amount found by multiplying the State compensatory education aid for the 1978-79 school year, calculated in accordance with the aforementioned section by the quotient obtained by dividing the amount appropriated for that purpose by the total State compensatory education aid for the school year 1978-79, calculated in accordance with the aforementioned section.

Total Appropriation, State Aid	$955,912,301
Total Appropriation, Property Tax Relief Fund	$962,242,301

Any appropriation or part thereof made from the Property Tax Relief Fund may be transferred and recorded as an appropriation from the General State 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 surplus balance in the General State Fund, as determined by the State Treasurer, is sufficient to support such an appropriation.

CASINO CONTROL FUND

100. Department of Law and Public Safety

Regulation of Industry

14800. Regulation of Other Industries—Casino Control Fund

14830-135.	Gaming Enforcement	$2,500,000
	Total Appropriation, Department of Law and Public Safety	$2,500,000

Extraordinary:
Expenses of Division of Gaming Enforcement ..... ($2,500,000)

The amount hereinabove for Gaming Enforcement is hereby appropriated from the General State Fund as a loan to the Casino Control Fund; provided, however, that such sum be refunded to the General State Fund from resources available to the Casino Control Fund; provided, further, however, that the Casino Control Fund pay interest at a rate of 8% per annum on any expenditure made from the General State Fund.

In addition to the amount hereinabove for Gaming Enforcement, there are hereby appropriated additional sums as may be required for the operation of the Division of Gaming Enforcement, subject to the approval of the Director of the Division of Budget and Accounting.

DEPARTMENT OF THE TREASURY

Executive Management, Planning and Control

71300. Tax and Revenue Administration—Casino Control Fund

71340-255.	Administration of Casino Gambling	$1,000,000
	Total Appropriation, Department of the Treasury	$1,000,000

Extraordinary:
Administration of Casino Gambling ($1,000,000)

The amount hereinabove for Administration of Casino Gambling is hereby appropriated from the General State Fund as a loan to the Casino Control Fund; provided, however, that such sum be refunded to the General State Fund from resources available to the Casino Control Fund; provided, further, however, that the Casino Control Fund pay interest at a rate of 8% per annum on any expenditure made from the General State Fund.

In addition to the amount hereinabove for Administration of Casino Gambling, there are hereby appropriated such additional sums as may be required for administrative costs of the Casino Control Commission, subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Casino Control Fund $3,500,000

CASINO REVENUE FUND

DEPARTMENT OF COMMUNITY AFFAIRS

Income Security and Human Resources Development

52300. Human Resource Development—Casino Revenue Fund

52310-800. Programs for Aging $3,500,000

Total Appropriation, Department of Community Affairs $3,500,000

Extraordinary:
For transfer to an appropriate State department for "reductions in property taxes, rentals, telephone, gas, electric and municipal utilities charges of eligible senior citizens and disabled residents of the State," subject to the enactment of enabling legislation ..... ($3,500,000)

The amount hereinabove is hereby appropriated from the Casino Revenue Fund.

Of the amount hereinabove, not more than $250,000 may be used for costs of implementation of new programs enacted for assisting eligible senior citizens and disabled residents of the State.

Total Appropriation, Casino Revenue Fund $3,500,000

Grand Total Appropriation, All Funds $4,394,385,940*

2. In addition to the amounts hereinabove specifically appropriated, there are appropriated, subject to allotment by the Director of the Division of Budget and Accounting and with the approval of the Executive Director of the Office of Fiscal Affairs, the following: sums required to refund amounts credited to the State Treasury which do not represent State revenues; Federal, other non-State, revolving and dedicated funds received or receivable for the use of the State or its agencies in excess of those anticipated and the unexpended balances as of June 30, 1978 of such sums; sums received representing insurance to cover losses by fire and other casualties and the unexpended balance as of June 30, 1978 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; private funds contributed to the State and the unexpended balance as of June 30, 1978 of such sums; sums received in the State Treasury representing refunds of payments made from appropriations provided in this act.

3. In order that there be flexibility in the handling of appropriations, any department or agency, except the Legislature, receiving an appropriation by any act of the Legislature may apply to the Director of the Division of Budget and Accounting for permission to transfer a part of any item granted to such department or agency to any other item in such appropriation; providing that such transfer is not between a State Aid account and either a General State Operations or a Capital Construction account, except as herein after provided. Such application shall be made only during the current year for which the appropriation was made, and if the Director of the Division of Budget and Accounting shall consent thereto, he shall place the amount so transferred to the credit of the item so designated and so notify the Executive Director, Office of Fiscal Affairs upon the effective date thereof; provided, how

ever, that cumulative transfers in excess of $200,000 in any account, other than transfers from lump sum accounts and of non-State funds, shall be transmitted to the Executive Director, Office of Fiscal Affairs, for his approval or disapproval and returned to the Director of the Division of Budget and Accounting within 5 working days; provided, further, however, that no sum appropriated for any capital improvement, except as otherwise provided, shall be used for maintenance or for any temporary purpose except extraordinary snow removal and extraordinary transportation maintenance; and provided further, that any item for capital improvement may be transferred to any other item of capital improvement. Transfers between State Aid accounts and either General State Operations or Capital Construction accounts may be made only if approved by the Subcommittee on Transfers of the Joint Appropriations Committee. Regarding appropriations made to the Legislature, upon request of the spending authority, the Executive Director, Office of Fiscal Affairs, shall transfer part of any item to any other item within an appropriation and so notify the Director of the Division of Budget and Accounting upon the effective date thereof.

4. The Director of the Division of Budget and Accounting is hereby empowered and it shall be his duty in the disbursement of funds appropriated for the maintenance and operation of any department or branch thereof, except for the Legislature and any of its agencies, the duties or responsibilities of which are or may hereafter be transferred to any other department or branch, to transfer such appropriations to such department or branch as shall be charged with the responsibility of administering the functions of such department or branch so transferred. The Director of the Division of Budget and Accounting shall also 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 Executive Director, Office of Fiscal Affairs, upon the effective date of such transfers. Where such transfers may be required among appropriations made to the Legislature and its agencies, the Executive Director, Office of Fiscal Affairs, subject to the approval of the President of the Senate and the Speaker of the General Assembly, is hereby empowered and it shall be his duty to effect such transactions hereinabove described and to notify the Director of the Division of Budget and Accounting upon the effective date thereof.

5. The Director of the Division of Budget and Accounting is hereby empowered and it shall be his duty in the disbursement of funds for payment of pensions, contributions to pension funds, Social security tax, unemployment compensation contributions, health benefits, debt service, charges for rent, telephone, insurance and postage to credit or transfer to the Department of the Treasury, or to the General State 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 of the Division of Budget and Accounting shall determine. Any receipts in any non-State fund are hereby appropriated for the purpose of such transfer.

6. 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 details the facts thereof and the reasons therefor, attested by the signature of said 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 disbursements 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 Executive Director, Office of Fiscal Affairs, upon the effective date of such ruling.

7. 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 Executive Director, Office of Fiscal Affairs, upon the effective date thereof.

8. 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 for data processing costs which had been appropriated or allocated to such departments for their share of costs of such data processing center.

9. 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.

10. 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 said Director. The 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 said fund. Such receipts shall be forwarded monthly by such custodian to the Director of the Division of Budget and Accounting for audit, and said Director shall likewise make regulations governing disbursement from petty cash funds.

11. The Director of the Division of Budget and Accounting may settle any claim not exceeding $25 due and owing to the State.

12. Notwithstanding the provisions of section 1 of this act, the State Treasurer, upon warrant of the Director of the Division of Budget and Accounting, shall pay any claim not exceeding $250 out of any appropriations made to the several departments, provided such claim is recommended for payment by the head of such department. Any claimant who has presented a claim not exceeding $250 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. Notice and description of such claim payment as hereinabove described shall be transmitted to the Executive Director, Office of Fiscal Affairs, at the time such payment is made.

13. The unexpended balances as of June 30, 1978 in the accounts of the several departments and agencies heretofore appropriated or established in the category of Maintenance of Property—Nonrecurring and replacements for buildings and grounds or State roads, and in the category of Additions and Improvements for buildings and grounds where such unexpended balance exceeds $100 are hereby appropriated.

14. The unexpended balances as of June 30, 1978 in the accounts of the several departments and agencies which represent the State share of State Law Enforcement Planning Agency projects

for which Federal funds are approved and the State share of highway safety projects for which Federal funds are approved are hereby appropriated.

15. Out of the appropriations recommended herein, the Director of the Division of Budget and Accounting shall be empowered to approve payments to liquidate any unrecorded liabilities for materials delivered and/or services rendered in prior fiscal years upon the written recommendation of any department head, or their designated representative. The Director of the Division of Budget and Accounting shall reject any recommendation for payment which he deems improper.

16. There shall be constituted a Subcommittee on Transfers of the Joint Appropriations Committee, appointed by its Chairman, which shall consist of two members of the Assembly Committee on Appropriations, one of each political party; two members of the Senate Committee on Revenue, Finance and Appropriations, one of each political party; and the Chairman of the Joint Committee. If pursuant to section 3 of this act, the Executive Director, Office of Fiscal Affairs, should withhold his approval from any transfer, the Subcommittee herein established is empowered to review such transfer and may direct that said Executive Director approve it.

17. 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 and the Subcommittee on Transfers of the Joint Appropriations Committee.

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 State Fund. 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. Of the sums appropriated for new positions, the Director of the Division of Budget and Accounting shall hold such amount in reserve until the candidates for these positions have been selected for the purpose which these funds were appropriated.

20. Notwithstanding the provision of NJSA 52:34–6, sums appropriated for data processing services for the various State depar-

ments and agencies may be expended for the purchase of contract services from the New Jersey Education Computer Network (NJECN) as if it were a State government agency (NJSA 52:34–10a).

21. Unless otherwise provided, balances remaining as of June 30, 1978 in accounts of appropriations enacted subsequent to April 1, 1978 are hereby appropriated as the Director of the Division of Budget and Accounting shall determine.

22. This act shall take effect July 1, 1978.

Approved June 30, 1978.

STATEMENT ON SENATE BILL NO. 1075

To the Senate:

Pursuant to Article V, Section 1, Paragraph 15 of the Constitution, I am appending to Senate Bill No. 1075 at the time of signing it, this statement of the items, or parts thereof, to which I object so that each item, or part thereof, so objected to shall not take effect.

GENERAL STATE OPERATIONS

"LEGISLATIVE BRANCH"

"Legislative Commissions"

On Page 8:
Line 1 "72410-018. State Commission of Investigation ..... $956,000"
This item is reduced to $906,000.

On Page 9:
Lines 8-9 "Total Appropriation, Legislative Commissions ..... $1,302,075"
This item is reduced to $1,252,075.

On Page 9:
Line 10 "Total Appropriation Legislative Affairs ..... $12,232,664"
This item is reduced to $12,182,664.

"EXECUTIVE BRANCH"

"Department of the Treasury"

On Page 18:
Line 4 "71380-260. Adjudication of tax appeals . $726,922"
This item is reduced to $538,922.

On Page 18:
Lines 17A thru 17D "Increased salary and staff allowance, subject to legislation increasing fees charged by the Division ..... ($188,000)"
This item is eliminated in its entirety.

On Page 22:
Lines 6-7 "Total Appropriation, Department of the Treasury ..... $52,725,203"
This item is reduced to $52,537,203.

"Department of State"

On Page 23:
Line 1 "34610-300. Development Support ..... $1,594,253"
This item is reduced to $1,494,253.

On Page 23:
Line 19 "Other allocations ..... ($369,000)"
This item is reduced to ($344,000).

On Page 23:
Lines 20-21 "New Jersey Contemporary Orchestra ..... ($25,000)"
This item is eliminated in its entirety.

On Page 23:
Line 22 "South Jersey Arts Council ..... ($50,000)"
This item is eliminated in its entirety.

On Page 24:
Line 29 "Total Appropriation, Department of State ..... $3,307,980"
This item is reduced to $3,207,980.

"Department of Labor and Industry"

On Page 41:
Line 1 "59210-380. Expansion and Growth of Commerce and Industry ..... $2,572,060'
This item is reduced to $2,422,060.

On Page 41:
Line 3 "59220-380. Travel and Tourism ..... $1,550,000"
This item is reduced to $1,500,000.

On Page 41:
Line 22A "Jobs Transportation ..... ($500,000)"
This item is reduced to $350,000.

On Page 41:
Lines 24A thru 24C "Establishment of a Central Jersey Ethnic Heritage and Cultural Center . ($250,000)"
This item is reduced to $200,000.

On Page 42:
Lines 6-7 "Total Appropriation Department of Labor and Industry ..... $24,322,164"
This item is reduced to $24,122,164.

"Department of Education"

On Page 50:
Line 4 "32350-500. Curriculum Process ..... $234,042"
This item is reduced to $144,042.

On Page 51:
Line 18A "Innovative Education Grants ..... ($90,000)"
This item is eliminated in its entirety.

On Page 55:
Lines 13-14 "Total Appropriation, Department of Education ..... $23,820,327"
This item is reduced to $23,730,327.

"Department of Higher Education"

On Page 55:
Lines 2-3 "39230-540. Support of Independent Higher Education Institutions ..... $13,351,940"
This item is reduced to $13,119,700.

On Page 56:
Lines 30-31 "Aid to Independent Colleges & Universities ..... $8,535,240"
This item is reduced to $8,303,000.

On Page 63:
Line 4 "33130. Extension and Public Service ... $4,827,718"
This item is reduced to $4,502,718.

On Page 65:
Line 2 "33130. Extension and Public Service ... $3,381,604"
This item is reduced to $3,196,604.

On Page 66:
Lines 35-36 "Total Appropriation, Rutgers, The State University ..... $103,884,692"
This item is reduced to $103,374,692.

On Page 69:
Line 1 "3310. Instruction ..... $789,644"
This item is reduced to $389,411.

On Page 69:
Line 2 "33970. Institutional Support ..... $385,142"
This item is reduced to $381,796.

On Page 69:
Line 1 "33110. Instruction ..... $932,026"
This item is reduced to $882,026.

On Page 70:
Lines 13-14 "Total Appropriation, College of Medicine and Dentistry of New Jersey ..... $54,444,429"
This item is reduced to $53,990,850.

On Page 73:
Lines 54-56 "Total Appropriation, Department of Higher Education ..... $363,251,530"
This item is reduced to $362,055,711.

"Department of Human Services"

On Page 92:
Line 3 "53190. Administrative and General Support ..... $3,020,290"
This item is reduced to $2,684,290.

On Page 93:
Lines 18-19 "Medical Fraud Investigation and Prosecutive Unit ..... ($336,000)"
This item is eliminated in its entirety.

On Page 95:
Lines 34-35 "Total Appropriation Department of Human Services ..... $561,927,455"
This item is reduced to $561,591,455.

"Department of Community Affairs"

On Page 98:
Line 1 "52310-800. Human Resources ..... $647,419"
This item is reduced to $607,419.

On Page 98:
Lines 14A & 14B "Newark Community Center for the Arts ..... ($100,000)"
This item is reduced to $60,000.

On Page 99:
Lines 21-22 "Total Appropriation of Community Affairs ..... $9,008,722"
This item is reduced to $8,968,722.

On Page 122:
Lines 18-19 "Total Appropriation, General State Operations ..... $1,797,770,754"
This item is reduced to $1,795,570,935.

"STATE AID"

"Department of Education"

On Page 130:
Line 1 "34210-520. State Library ..... $9,000,000"
This item is reduced to $7,953,750.

On Page 131:
Line 10 "State Aid for certain libraries ..... ($8,919,173)"
This item is reduced to $7,872,923.

On Page 131:
Lines 5-6 "Total Appropriation, Department of Education ..... $813,634,659"
This item is reduced to $812,588,409.

"Department of Higher Education"

On Page 131:
Line 1 "39220-540. Aid to County Colleges ..... $50,577,900"
This item is reduced to $50,377,900.

On Page 131:
Lines 5A & 5B "Academic Support for Passaic County College ..... ($200,000)"
This item is eliminated in its entirety.

On Page 132:
Lines 25-26 "Total Appropriation, Department of Higher Education ..... $50,577,900"
This item is reduced to $50,377,900.

"Department of Community Affairs"

On Page 136:
Line 2 "42120-800. Housing ..... $2,305,000"
This item is reduced to $2,155,000.

On Page 137:
Lines 9-10 "Revolving Housing Development and Demonstration Grant Fund ..... ($505,000)"
This item is reduced to $355,000.

On Page 138:
Line 1 "52310-800. Human Resources ..... $1,998,000"
This item is reduced to $1,920,000.

On Page 138:
Line 8A "Program Development ..... ($178,000)"
This item is reduced to $100,000.

On Page 138:
Lines 13-14 "Total Appropriation, Department of Community Affairs ..... $58,542,370"
This item is reduced to $58,314,370.

On Page 139:
Line 26 "Total Appropriation, State Aid ..... $1,430,920,101"
This item is reduced to $1,429,445,851.

"CAPITAL CONSTRUCTION"

"Department of Environmental Protection"

On Page 142:
Lines 14 thru 19 "There is hereby appropriated from the Water Conservation Fund the sum of $600,000 for the purpose of a grant to the Gloucester County Sewerage Authority as the State share of up to 20% of the cost of renovation of a sludge treatment unit and expansion of plant capacity."

The amount of $600,000 in the above language is reduced to $150,000.

On Page 142:
Lines 20 thru 22 "There is hereby appropriated from the Clean Waters Fund the sum of $21,493 for the Somerset County Waste Water facilities plan."

The quoted language is eliminated in its entirety.

"Department of Higher Education"

On Page 143:
Line 1 "Camden Campus Site Development .... $325,000"
This item is reduced to $100,000.

On Page 144:
Lines 6-7 "Total Appropriation, Department of Higher Education ..... $4,225,000"
This item is reduced to $4,000,000.

On Page 147:
Line 7 "Total Appropriation, Capital Construction ..... $43,999,921"
This item is reduced to $43,774,921.

On Page 153:
Line 32 "Total Appropriations, General State Fund ..... $3,429,042,708"
This item is reduced to $3,425,143,639.

On Page 159:
Line 20 "Grand Total Appropriation, All Funds $4,398,285,009"
This item is reduced to $4,394,385,940.

"Language Items"

On Page 63:
Lines 68-69 "—and Accounting, and the Subcommittee on Transfers of the Joint Appropriations Committee."

The phrase "and the Subcommittee on Transfers of the Joint Appropriations Committee", is eliminated.

On Page 88:
Lines 53-63 "No new contracts committing or expending any funds hereinabove for Community Care shall be entered into until after the Department shall have submitted a plan

to the Subcommittee on Transfers of the Joint Appropriations Committee guaranteeing the even dispersal of residential facilities for mental health patients among municipalities of diverse socio-economic character and until after said Subcommittee has approved such plan."

The quoted language is eliminated in its entirety.

On Page 41:

Lines 37-38 "and the Subcommittee on Transfers of the Joint Appropriations Committee".

The quoted language is eliminated in its entirety.

On Page 108:

Lines 22-31 "No community-based facilities or treatment centers not operating prior to April 15, 1978 may be funded from the amount hereinabove for Community Programs until after the Department shall have submitted a plan to the Subcommittee on Transfers of the Joint Appropriations Committee. Said plan shall address the dispersal of such facilities and centers throughout the State and shall not take effect until approved by the Subcommittee."

The quoted language is eliminated in its entirety.

I hereby certify that in lieu of the Anticipated Resources for the Fiscal Year 1978-79 listed in Senate Bill No. 1075, the following resources are available to support appropriations in the amount of $3,425,083,639 from the General State Fund and $962,242,301 from the Property Tax Relief Fund.

General State Fund

Surplus—Estimated balance July 1, 1978		$144,303,74
Major Taxes:		
Corporation franchise	$535,000,000	
Transfer inheritance	100,000,000	
Business personal property	72,000,000	
Pari-mutuel	19,500,000	
All other major taxes same as S-1075	2,040,850,000	
Total, Major Taxes		$2,767,350,00

Miscellaneous Taxes, Licenses and Other Resources:		
Assessments—Public utility	$5,909,932	
Housing inspection fees	2,858,529	
All other miscellaneous revenues same as S-1075	313,901,372	
Total Miscellaneous Revenues		$322,669,833
Interfund Transfers:		
General Revenue Sharing Fund	$74,458,000	
Higher Education Assistance Fund	—0—	
Unemployment Compensation Auxiliary Fund	4,224,060	
All other interfund transfers same as S-1075	157,748,966	
Sub-total interfund transfers		$236,431,026
LESS: Reserve for commuter taxes		—30,700,000
Total Interfund transfers		$205,731,026
Total Resources, General State Fund		$3,440,054,601

Property Tax Relief Fund

Surplus—Estimated balance, July 1, 1978	$125,571,276
Gross Income Tax—same as S-1075	850,000,000
Total Resources, Property Tax Relief Fund	$975,571,276

These actions will result in an ending surplus for the General State Fund on June 30, 1979 of $12.9 million and a surplus for the Property Tax Relief Fund of $13.3 million. Such amounts, while they are extremely low, still indicate to the public and the Legislature that the State of New Jersey has met the constitutional mandate to provide a balanced State budget, wherein expenditures are contained within revenues available or anticipated during the ensuing fiscal year.

This Appropriations Act reflects a tight and prudent spending plan. We will continue to review with State agencies areas where we can cut spending further, where we can consolidate or where

we can do without. The Legislature has acted responsibly in the review and approval of this Act, but we cannot jeopardize our progress by allowing unnecessary spending or programs without identified sources of funding. I cannot and will not approve new programs or spending without being shown how they are to be supported.

Once again this State financial plan shows my commitment to provide a significant portion of the State's resources to support the programs of local governments. Almost 54% of the State's resources will be utilized for the purpose of reducing or holding down property taxes—as recently as fiscal year 1976, the State provided 48% of its resources as an offset to local property taxes.

Recent events in California have suggested that many taxpayers have become frustrated with the increasing costs of government. We in New Jersey have faced this problem in the last two years. We have acted to provide a more equitable tax system and to provide State services at a low cost to our citizens.

In many states, property taxes continue to increase at unacceptable rates and the cost to the homeowner is becoming increasingly prohibitive. In 1977, we reversed the situation in New Jersey. After almost two decades of average annual increases of 10% in local property taxes, homeowners in New Jersey had their taxes reduced by almost 18%. When homestead rebates are included, property taxes were reduced by over $640 million.

In many states, the number of employees is excessive. In New Jersey we continue to be conservative. New Jersey State government ranks 49th in number of State government employees per 10,000 population. When all levels of government are considered, New Jersey is still well below the national level—we rank 38th in the nation.

In many states, expenditures of public funds have reached undesirable levels. In New Jersey we maintain a modest approach. Including state and local governments, New Jersey ranks 43rd in total expenditures per $1,000 of personal income. In many states, government continues to increase its budget indiscriminately without regard to the availability of funds. In New Jersey we have utilized zero-base budgeting techniques and have implemented spending limitations on all governments—state, municipal, county and school districts. I have endorsed these spending limitations in the past, and I support their continuation. In many states,

operating programs have been expanded and continued by borrowing excessively on the future. In New Jersey we have not used fiscal gimmicks. We never borrow for operating programs, and our long-term borrowing patterns and decisions are carefully developed and monitored. These practices have earned us the highest credit rating which can be assigned.

The Appropriations Act which I sign today will enable New Jersey to continue this record of responsibility. I recognize the desires of our citizens to pay the least amount in taxes and receive the highest possible level of service. This spending and revenue plan for fiscal year 1979 will enable us to provide the citizens of this State with the best services at the lowest possible cost within a more effective and efficient tax structure than had previously existed.

The reductions listed on the preceding pages reduce the Appropriations Act for 1979 by almost $4 million. The explanation for my action is given in the following paragraphs.

The Appropriations Bill contained a recommendation for the State Commission of Investigation which exceeded the amount originally requested by that Agency for its operations in 1978-79. I have, therefore, reduced that appropriation by $50,000.

The recently enacted legislation provided for a new tax court as a substitute for the Division of Tax Appeals, and the provision in that legislation for appropriate costs makes the line item provided for increasing salary and staff in that Division unnecessary. Accordingly, an amount of $188,000 has been reduced.

Two of the organizations singled out for special financing by the New Jersey Council on the Arts did not qualify for the Council's basic guidelines for funding, therefore, the items have been eliminated. These organizations appear to have merit as groups contributing to the arts in our State, and I would urge that the Council contact each of them and consider initial allocations of a lesser sum. The other allocations account is also to be reduced by $25,000.

The Department of Labor and Industry has a new program of jobs transportation. A further review of the implementation of this program indicates that a lesser sum is required for 1978-79, therefore, I have reduced the item to $350,000. This Department has also been provided with an appropriation for establishing a

new Central Jersey Ethnic Heritage and Cultural Center. I have reduced this item by $50,000 and also ask the Department to assure that this item be contingent upon firm commitments from business and industry for the full financing of this new and worthwhile center.

I have eliminated $90,000 which reinstates a special grant program for teachers. I feel that if programs such as this are warranted, they should be funded within the "thorough and efficient" education process.

I am reducing the appropriations for assisting independent colleges and universities to the level recommended in my original budget. This reduction of $232,240 would preclude increasing grants for data processing and administrative support. The final recommendation for this account is $400,000 over the previous year.

At Rutgers, the State University, I am reducing the appropriation for extension and public service back to the same sum recommended in my original budget. After this reduction of $325,000, the budget for this important program will still increase. I am reducing the appropriation at the Agricultural Experiment Station by an amount of $185,000. This recommendation will approximate the one provided in my original budget and will provide for a continuation level of financing of Experiment Station programs. A review of the funds added to my original budget for the South Jersey Medical Program and for the New Jersey School of Osteopathic Medicine indicates that the programs will not increase to the high rate of expenditure in 1979. I am, therefore, reducing the appropriation by $403,579 for the South Jersey Medical School and by $50,000 for the New Jersey School of Osteopathic Medicine.

Recent changes in Federal regulations pertaining to the percentage of match required for programs involved in investigating medical fraud of the medicaid program make the provision of a $336,000 item unnecessary. The elimination of these funds will in no way detract from the ability of the Division and the Attorney General to continue such investigations.

Funding for the Newark Community Center for the Arts by the Department of Community Affairs has been reduced by $40,000. Since the activity of this Center provides introduction to the arts for children, further financing should be done under the sponsorship and cooperation of the New Jersey Council of the Arts.

The bill provides for increasing the level of support to local libraries. I am reducing the item back to my original recommendation which provides a sufficient amount to maintain the State's present level of aid.

An amount of $200,000 is being eliminated for the specific line item of academic support for Passaic County College. I do not wish to set a precedent of singling out one college for special support when there is a basic statutory formula geared to the needs of all community colleges.

I am reducing the item for Revolving Housing Development and Demonstration Grant Fund by $150,000. This reduced amount will still permit a continuation of the present level of financing due to balances within the fund. The Department of Community Affairs also has a line item for developing innovative new programs for citizens of our towns. This program is currently financed at a level of $100,000 and I suggest it remain at that level.

The Appropriation Act makes provision for a grant to the Gloucester County Sewerage Authority. I have previously vetoed this item when it was submitted in a separate Appropriation Act. At this time, I am reducing the recommendation to the sum necessary to conform to a Department of Environmental Protection ceiling on grants. I am also eliminating the entire amount provided for the Somerset County waste water facilities plan for the same reason.

I am reducing the item for Site Development at the Rutgers Camden Campus by $225,000. This item was not included in the recommendations of the Capital Planning and Budgeting Commission. I am acknowledging, however, the importance of this project to the City of Camden by leaving a portion of the funds to permit continuation of development started this year.

I have deleted language compelling the participation and approval of the Sub-Committee on Transfers of the Joint Appropriations Committee in the administration of the Executive branch of government. In particular, I have deleted language requiring: approval by the Sub-Committee of the expenditure of appropriated monies in the area of academic development and improvement; approval by the Sub-Committee of new contracts for community care for mental health; and submission of a plan to the Sub-Committee with regard to planning for community based correctional facilities and tourism. The deleted language injects a legisla-

tive sub-committee into the details of administering substantive programs that are the responsibility of executive State agencies.

The requirement for the approval of a legislative sub-committee infringes on my exclusive constitutional duty to exercise the executive power of State government. Article V, Section 1, Paragraph 1. This language also authorizes legislative action that has the effect of legislation while denying me the opportunity to exercise my constitutional veto power under Article V, Section 1, Paragraph 14. Moreover, this language raises fundamental questions as to the appropriate roles of the Legislative and Executive Branches under the separation of powers provision of our State Constitution. Article III.

The language is defective for the further reason that it represents an attempt by the Legislature to delegate to one of its sub-committees the ongoing responsibility to participate in the approval of the planning for the expenditure of monies without the concurrence of the full legislative body. Therefore, this language is an improper delegation of legislative power vested in the Senate and General Assembly to a legislative sub-committee. Article IV, Section 1, Paragraph 1.

In summary, I am constrained to excise the cited language because it improperly restricts executive discretion. I have deleted the language because it represents an improper intrusion into my role as Chief Executive under the New Jersey Constitution.

Respectfully,

[SEAL] /s/ BRENDAN BYRNE,
Attest: *Governor.*
/s/ ROBERT E. MULCAHY,
Chief of Staff, Secretary.

CHAPTER 61

Note: In approving the following act certain items, designated by *, were deleted or reduced by the Governor. See Statement appended following the text of the act.

AN ACT to amend and supplement "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1978 and regulating the disbursement thereof," approved June 30, 1977 (P. L. 1977, c. 137).

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

1. The following sums are hereby appropriated out of the General State Fund, or such other sources of funds specifically indicated or as may be applicable, for the respective public officers and for the several purposes herein specified:

CLAIMS

100. DEPARTMENT OF LAW AND PUBLIC SAFETY

14820-155. Racing Commission

Ms. Sandra L. Richard, 19 Dogwood Drive, Newton, New Jersey 07860, for failure to collect on a pari-mutuel ticket on time $1,875.60

200. DEPARTMENT OF THE TREASURY

240. Division of Taxation

Township of Wall, 2500 Municipal Court, Wall, New Jersey 07719, Attention: Joseph N. Ehret, Administrator, for refund of State gasoline taxes paid upon a timely claim, an award in the amount of $1,280.32 be paid from Motor Fuel Tax revenues of 1977-78.

400. Department of Environmental Protection

41370-400. Wildlife and Fisheries Management

Hunters' and Anglers' License Fund

Sandyston Township, Layton, New Jersey 07851, c/o Hixon Spangenberg, Township Clerk, Sandyston Township, Layton, New Jersey 07851, for payment in lieu of taxes for certain fish and game properties, an award in the amount of $2,265.00 be made for 1978 from funds in the Hunters' and Anglers' License Fund.

700. Department of Human Services

52610-717. Division of Youth and Family Services

Community Services

Hutchinson Plumbing Company, Inc., P.O. Box 428, Haddonfield, New Jersey 08033, for work completed at the El Centro Day Care Center, an award in the amount of $1,675.00 be made payable from State funds appropriated to the Department.

Miscellaneous Executive Commissions

911. Palisades Interstate Park Commission

Borough of Alpine, c/o Schneider, Balt & Feltman, Counsellors at Law, 1029 Teaneck Road, Teaneck, New Jersey 07666, Attention: C. Conrad Schneider, Esq.; Borough of Englewood Cliffs, c/o Melvin Gittleman, Esq., Borough Attorney—Englewood Cliffs, 8500 River Road, North Bergen, New Jersey 07047; and, Borough of Fort Lee, c/o Murphy, Ellis & McBride, Counsellors at Law, One University Plaza, Hackensack, New Jersey 07601, Attention: Joel M. Ellis, Esq., for payment of municipal taxes for land situated within their respective boroughs:

Borough of Alpine	$19,300.00
Borough of Englewood Cliffs	26,200.00
Borough of Fort Lee	20,500.00

Payable by the Palisades Interstate Park Commission from the net share of revenues which it derives from the operations of gasoline stations on the New Jersey section of the Palisades Interstate Parkway, $66,000.00.

970. THE JUDICIARY

73300. Court Administration

County of Morris, Court House, Morristown, New Jersey 07960, c/o Robert T. Natoli, County Treasurer, for overtime expended by the Sheriff's Office for security in the jury selection for the Squires and Chesimard Jury	*
Total Appropriation, Claims	$9,366.60

2. The following provision is added to PL 1977, c. 137:

STATE AID

800. DEPARTMENT OF COMMUNITY AFFAIRS

42130-800. Local Government Services

Notwithstanding the provisions of PL 1977, c. 260, the amount hereinabove for Aid to depressed rural centers shall be used to provide State Aid under the Depressed Rural Centers Aid Act.

3. This act will take effect immediately and be retroactive to July 1, 1977.

Approved June 30, 1978.

STATEMENT TO SENATE BILL NO. 1076

To the Senate:

Pursuant to Article V, Section I, Paragraph 15 of the Constitution, I am appending to Senate Bill No. 1076 at the time of signing it, this statement of the item to which I object so it shall not take effect.

On Page 3:

"County of Morris, Court House, Morristown, New Jersey 07960, c/o Robert T. Natoli, County Treasurer, for overtime expended by the Sheriff's Office for security in the jury selection for the Squires and Chesimard Jury. $7,491.00".

Senate Bill No. 1076 is a supplemental appropriation bill for the payment of certain claims filed against the State of New Jersey.

I have decided, for the reason stated below to delete entirely the following claim.

The Morris County claim is for overtime expenses of the Sheriff's Office for providing security in jury selection. I vetoed this same claim in past years and find no new justification which persuades me to alter that position. It is still my view that the expense of providing security through the Sheriff's Office in a particular county is not an appropriate expense for the Judiciary in the first instance. The mere fact that a case is transferred from one county to another is not justification for modifying this sound principle.

I note that page 1 provides: "Ms. Sandra L. Richard, 19 Dogwood Drive, Newton, New Jersey 07860, for failure to collect on a pari-mutuel ticket on time, $1,875.60". The claim filed by Sandra L. Richard is for payment of a winning pari-mutuel ticket. The ticket was not presented within the six-month period after the race and thus could not be honored pursuant to the Racing Commission's rules. Although I have not deleted that item, I take this opportunity to state that I will not in the future approve the payment of winning pari-mutuel tickets that are not presented pursuant to the Racing Commission's rules.

Respectfully,

[SEAL] /s/ BRENDAN BYRNE,
Attest: *Governor.*

/s/ ROBERT E. MULCAHY,
Chief of Staff, Secretary.

CHAPTER 62

AN ACT to amend "An act concerning public support for railroad and bus services and supplementing Title 27 of the Revised Statutes," approved November 18, 1976 (P. L. 1976, c. 119, C. 27:1A–28.7 et seq.).

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

1. Section 9 of P. L. 1976, c. 119 is amended to read as follows:

9. This act shall take effect immediately but shall terminate on July 1, 1979.

2. This act shall take effect immediately.

Approved June 30, 1978.

CHAPTER 63

AN ACT concerning residency requirements for municipal and county employees, supplementing Title 40A of the New Jersey Statutes and repealing R. S. 11:22–7 and N. J. S. 40A:9–1.

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

C. 40A:9-1.3 Residency requirement; bona fide resident; copy of ordinance or resolution to be transmitted to civil service.

1. Unless otherwise provided by law, the governing body of any local unit may by resolution or ordinance, as appropriate, require, subject to the provisions of this act, all officers and employees employed by the local unit after the effective date of this act to be bona fide residents therein. A bona fide resident for the purpose of this act is a person having a permanent domicile within the local unit and one which has not been adopted with the intention of again taking up or claiming a previous residence acquired outside of the local unit's boundaries. Any local unit wherein the provisions of Title 11 (Civil Service) of the Revised Statutes are operative, shall transmit a copy of the adopting ordinance or resolution, as the case may be, to the Civil Service Commission.

C. 40A:9-1.4 Limitation on eligibility of applicants; opening of eligibility lists to qualified nonresidents.

2. Any local unit having adopted the provisions of Title 11 (Civil Service) of the Revised Statutes, which has also adopted the provisions of section 1 of this act by ordinance or resolution, as appropriate, may therein limit the eligibility of applicants for positions and employments in the classified service of such local unit to residents of that local unit. Upon receipt of a copy of such ordinance or resolution, as the case may be, the Civil Service Commission thereafter shall not open such local unit's eligibility lists to anyone who is not a bona fide resident of the local unit at the time of the closing date following the announcement of examination; provided, however, that if the commission, after ample advertisement, determines that an insufficient number of qualified residents exist for available positions or employments in a particular local unit, it may open eligibility lists for such positions or employments to qualified nonresidents.

C. 40A:9-1.5 Requirement to become bona fide resident within 1 year; exception; duties of hiring authority to insure compliance.

3. The governing body of a local unit which has adopted a resolution or ordinance, as the case may be, pursuant to section 1 of this act shall require therein that all nonresidents subsequently appointed to positions or employments shall become bona fide residents of the local unit within 1 year of their appointment, except as otherwise provided in such ordinance or resolution pursuant to sections 4 and 5 of this act.

It shall be the duty of the hiring authority to insure that all employees hired after the effective date of this act remain bona fide residents of the local unit in which they are employed. Failure of any such employee to maintain residency in a local unit shall be cause for removal or discharge from service. In the event such employee does not maintain bona fide residency, the hiring authority shall notify said employee that failure to again take up bona fide residency in the local unit within 6 months of such notification will result in removal or discharge from service. Such removal or discharge shall take effect on the date specified in such notice, but any employee so removed or discharged shall have the right to such appeals as are available pursuant to law.

C. 40A:9-1.6 Advertisement for other qualified applicants; classification; order of appointment.

4. Any local unit which has adopted an ordinance or resolution, as the case may be, pursuant to section 1 of this act, shall provide therein that whenever the governing body, or appointing authority, shall determine that there cannot be recruited a sufficient number of qualified residents for available specific positions or employments, the local unit shall advertise for other qualified applicants. The local unit, or the hiring authority thereof, shall thereupon classify all qualified applicants for such positions or employments so determined in the following manner.

a. In the case of municipalities:

(1) Other residents of the county in which the municipality is situate.

(2) Other residents of counties contiguous to the county in which the municipality is situate.

(3) Other residents of the State.

(4) All other applicants.

b. In the case of counties:

(1) Other residents of contiguous counties.

(2) Other residents of the State.

(3) All other qualified applicants.

The hiring authority shall first appoint all those in class 1 and then those in each succeeding class in the order above listed and shall appoint a person or persons in any such class only to a position or positions, or employment or employments, remaining after all qualified applicants in the preceding class or classes have been appointed or have declined an offer of appointment. The preference established by this section shall in no way diminish, reduce or affect the preferences granted pursuant to any other provisions of the law. A local unit which has recruited and hired officers and employees under the provisions of this section may require such officers and employees, as a condition of their continued employment, to become bona fide residents thereof. Such a requirement shall be specified at the time of appointment and a reasonable amount of time granted for such officers and employees to become bona fide residents of the local unit. The Civil Service Commission shall, upon any subsequent notice of the determination of the governing body or the hiring authority of any such local unit wherein Title 11 (Civil Service) of the Revised Statutes is operative that such preference schedule shall be applicable for any specific position or employment, classify all applicants for such position or employment accordingly.

C. 40A:9-1.7 Filling of certain positions without reference to residency as provided in ordinance or resolution.

5. Any local unit adopting the provisions of section 1 of this act shall provide in the adopting ordinance or resolution, as the case may be, that whenever the governing body, or the hiring authority of the local unit, shall determine that there are certain specific positions and employments, requiring special talents or skills which are necessary for the operations of the local unit and which are not likely to be found among the residents of the local unit, such positions or employments so determined shall be filled without reference to residency. Any such provision shall set forth the formal criteria pursuant to which such positions and employments shall be so determined.

C. 40A:9-1.8 Preference to bona fide residents.

6. Any local unit which has adopted a resolution or ordinance, as the case may be, pursuant to section 1 of this act shall give preference in promotion to officers and employees who are bona fide residents of the local unit. When promotions are based upon merit as determined by suitable promotion tests or other objective criteria, a resident shall be given preference over a nonresident in any instance when all other measurable criteria are equal. The

preference granted by this section shall in no way diminish, reduce, or affect the preference granted pursuant to any other provision of law.

C. 40A:9-1.9 Application of act.

7. The provisions of this act shall apply to all residency requirements adopted on and after the effective date of this act. Nothing herein shall be construed as to alter, abrogate, repeal or otherwise affect any residency requirement in effect in any local unit by ordinance or resolution, or rule or regulation of a local unit, on the effective date of this act; provided, however, that any amendment, modification or other change in any such residency requirement shall be subject to all the relevant provisions of this act.

C. 40A:9-1.10 Certain requirements subject to order of court; exception.

8. Any requirements concerning eligibility, appointment or promotion contained in any ordinance or resolution adopted pursuant to this act shall be subject to any order issued by any court, or by any State or Federal agency pursuant to law, with respect to a requirement of action to eliminate discrimination in employment based upon race, creed, color, national origin, ancestry, marital status or sex, except that any requirement contained in any such ordinance or resolution pursuant to the provisions of section 3 of this act shall continue to apply notwithstanding any such order.

Repealer.

9. R. S. 11:22–7 and N. J. S. 40A:9–1 are repealed.

10. This act shall take effect immediately.

Approved June 30, 1978.

CHAPTER 64

AN ACT to repeal "An act concerning sales of real property to enforce tax liens in certain cases and supplementing chapter 5 of Title 54 of the Revised Statutes," approved February 23, 1978 (P. L. 1977, c. 410).

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

C. 54:5-25.1 to C. 54:5-25.4 Repealed.

1. P. L. 1977, c. 410 (C. 54:5–25.1 et seq.) is repealed.

2. This act shall take effect immediately.

Approved June 30, 1978.

CHAPTER 65

AN ACT to amend the title of "An act with respect to the right of an individual borrower to select his own attorney in certain mortgage loan transactions," approved July 7, 1975 (P. L. 1975, c. 145), so that the same shall read "An act with respect to the right of a borrower to select his own attorney in certain mortgage loan transactions," and to amend the body of said act.

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

Title amended.

1. The title of P. L. 1975, c. 145 is amended to read as follows: An act with respect to the right of a borrower to select his own attorney in certain mortgage loan transactions.

2. Section 1 of P. L. 1975, c. 145 (C. 46:10A–6) is amended to read as follows:

C. 46:10A-6 Right of individual mortgagor to choose his own attorney in certain mortgage loan transactions.

1. No banking institution or other financial institution authorized to engage in the business of making loans secured by mortgage, hereinafter referred to as a "lender," shall require a borrower of a loan to be secured by a mortgage on real estate, to employ the services of the lender's counsel or an attorney specified by the lender but the borrower shall have the right to be represented in the transaction by an attorney at law of New Jersey of his own selection. The provisions of this act shall not preclude a lender from requiring that documents prepared in connection with a mortgage loan transaction prepared by a borrower's attorney to be submitted to the lender's attorney for examination and review and to require the borrower to pay a reasonable fee as defined by the Disciplinary Rules of the Code of Professional Responsibility

adopted by the New Jersey Supreme Court for such service by the lender's attorney provided, however, that the lender shall provide the borrower, at the time a loan commitment is made, a written statement covering the basis of the review fee.

3. This act shall take effect on the first day of the month next occurring not less than 30 days after enactment.

Approved July 3, 1978.

CHAPTER 66

AN ACT to amend and supplement "An act providing for the sharing of revenues by the State with municipalities and the method of distribution thereof and amending P. L. 1971, c. 20," approved August 30, 1976 (P. L. 1976, c. 73).

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

1. Section 3 of P. L. 1976, c. 73 (C. 54A:10–3) is amended to read as follows:

C. 54A:10-3 Definitions.

3. For the purposes of this act, unless the context clearly requires a different meaning:

a. "Director" means the Director of the Division of Taxation in the Department of the Treasury.

b. "Fund" means the Revenue Sharing Fund created herein.

c. "Senior citizens deductions" and "deductions for citizens less than 65 years of age who are permanently and totally disabled, and their surviving spouses in certain cases" means the actual amount of the deductions allowed pursuant to section 4 of P. L. 1971, c. 20 (C. 54:4–8.52).

d. "Veterans deductions" means the actual amount of the deduction allowed pursuant to section 2 of this act.

e. "Effective tax rate," with respect to each municipality, means the total tax levy for the current year for 1976 and the pretax year thereafter on which the tax rate is computed divided by the apportionment valuation for the current year for 1976 and

the pretax year thereafter as shown in the Table of Aggregates, prepared pursuant to R. S. 54:4–52.

C. 54A:10-11 Number and dollar amount of veterans deductions; certification to director.

2. (New section) On or before June 15, 1978 and on or before June 15 of each year thereafter, each county board of taxation shall, on a form prescribed by the Director of the Division of Taxation, certify to the director from the tax lists certified to it for each taxing district for the current tax year the following:

a. The number of veterans deductions allowed for the current tax year including those allowed by the tax collector up to May 31 of the current tax year;

b. The total dollar amount of veterans deductions for the current year including those allowed by the tax collector up to May 31 of the current tax year;

c. Separately, the number and dollar amount of veterans deductions allowed, or disallowed, for the period from June 1 to December 31 of the previous tax year beginning in 1979;

d. The totals for a., b., and c. above by district and for the county as a whole.

C. 54A:10-12 Additional amount of revenue sharing funds; certification by director; payment.

3. (New section) On or before September 15, 1978, the director shall certify to the State Treasurer the additional amount of revenue sharing funds due each municipality for the current tax year. The State Treasurer upon the certification of the director and upon the warrant of the State Comptroller shall pay to each municipality such additional amounts on or before November 1, 1978. In each year thereafter there shall be paid to each municipality the full amount of revenue sharing funds which shall include the additional amounts provided for by this act.

4. This act shall take effect immediately.

Approved July 3, 1978.

CHAPTER 67

AN ACT to establish an independent Office of Administrative Law in the Executive Branch of State Government, to transfer to it the functions of, and to reallocate the existing Division of Administrative Procedure, to amend and supplement P. L. 1968, c. 410, to repeal section 6 thereof and to appropriate certain sums.

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

C. 52:14F-1 Office of administrative law; establishment.

1. (New section) There is hereby established in the Executive Branch of the State Government the Office of Administrative Law. For the purpose of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the Office of Administrative Law 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 personnel thereof. As used in this act, "office" shall mean the Office of Administrative Law.

C. 52:14F-2 Transfer of functions, powers and duties to office.

2. (New section) All the functions, powers and duties heretofore exercised by the Division of Administrative Procedure in the Department of State pursuant to the Administrative Procedure Act, P. L. 1968, c. 410 (C. 52:14B–1 et seq.) are transferred to and vested in the Office of Administrative Law created by this amendatory and supplementary act.

C. 52:14F-3 Director; qualifications; appointment; term; salary; vacancy.

3. (New section) The head of the office shall be the director, who shall be an attorney-at-law of this State. The director and the full-time administrative judges shall be appointed by the Governor with the advice and consent of the Senate.

The director shall serve for a term of 6 years. As used in this act, "director" shall mean the Director of the Office of Administrative Law.

The director shall devote his entire time to the duties of his office and shall receive a salary as provided by law. Any vacancy occurring in the office of the director shall be filled in the same manner as the original appointment, but for the unexpired term only.

C. 52:14F-4 Full-time administrative judges; appointment; terms; vacancies.

4. (New section) The Governor shall appoint the full-time administrative judges who shall serve for terms of 5 years and until the appointment and qualification of their successors. A vacancy in the office of full-time administrative judge shall be filled in the same manner as the original appointment for the unexpired term only.

C. 52:14F-5 Powers and duties of director.

5. (New section) The Director of the Office of Administrative Law shall:

a. Administer and cause the work of the office to be performed in such manner and pursuant to such program as may be required or appropriate;

b. Organize and reorganize the office, and establish such bureaus as may be required or appropriate;

c. Except as otherwise provided in subsection 1, below, appoint, pursuant to the provisions of Title 11 of the Revised Statutes, such clerical assistants and other personnel as may be required for the conduct of the office;

d. Assign and reassign personnel to employment within the office;

e. Develop uniform standards, rules of evidence, and procedures, including but not limited to standards for determining whether a summary or plenary hearing should be held to regulate the conduct of contested cases and the rendering of administrative adjudications;

f. Promulgate and enforce such rules for the prompt implementation and coordinated administration of the Administrative Procedure Act, P. L. 1968, c. 410 (C. 52:14B–1 et seq.) as may be required or appropriate;

g. Administer and supervise the procedures relating to the conduct of contested cases and the making of administrative adjudications, as defined by section 2 of P. L. 1968, c. 410 (C. 52:14B–2);

h. Advise agencies concerning their obligations under the Administrative Procedure Act, subject to the provisions of subsections b. and e. of section 4 of P. L. 1944, c. 20 (C. 52:17A–4b and 4e);

i. Assist agencies in the preparation, consideration, publication and interpretation of administrative rules required or appropriate pursuant to the Administrative Procedure Act, P. L. 1968, c. 410 (C. 52:14B–1 et seq.);

j. Employ the services of the several agencies and of the employees thereof in such manner and to such extent as may be agreed upon by the director and the chief executive officer of such agency;

k. Have access to information concerning the several agencies to assure that they properly promulgate all rules required by law;

l. Assign full-time administrative law judges at supervisory and other levels who are qualified in the field of administrative law or in subject matter relating to the hearing functions of a State agency. A full-time administrative law judge shall not hold other employment.

Administrative law judges shall receive such salaries as provided by law.

Administrative law judges shall be attorneys-at-law of this State, or any persons who are not attorneys-at-law, but who, in the judgment of the Governor or the director are qualified in the field of administrative law, administrative hearings and proceedings in subject matter relating to the hearing functions of a particular State agency;

m. Appoint such additional administrative law judges, qualified in the field of administrative law or in subject matter relating to the hearing functions of a State agency, on a temporary or case basis as may be necessary for the proper performance of the duties of the office, pursuant to a reasonable fee schedule established in advance by the director. Temporary administrative law judges shall have the same qualifications for appointment as permanent administrative law judges.

n. Assign an administrative law judge to any agency empowered to conduct contested cases to preside over such proceedings in contested cases as are required by sections 9 and 10 of P. L. 1968, c. 410 (C. 52:14B–9 and 52:14B–10);

o. Assign an administrative law judge or other personnel to any agency to conduct or assist in administrative duties and proceedings other than those related to contested cases or administrative adjudications, including but not limited to rule-making and investigative hearings, if so requested by the head of an agency and if the director deems appropriate;

p. Assign an administrative law judge not engaged in the conduct of contested cases to perform other duties vested in or required of the office;

q. Secure, compile and maintain all reports of administrative law judges issued pursuant to this act, and such reference materials and supporting information as may be appropriate; and

r. Develop and maintain a program for the continuing training and education of administrative law judges and agencies in regard to their responsibilities under this act.

C. 52:14F-6 Assignment of administrative law judges.

6. (New section) a. Administrative law judges shall be assigned by the director from the office to an agency to preside over contested cases in accordance with the special expertise of the administrative law judge;

b. A person who is not an employee of the office may be specially appointed and assigned by the director to an agency to preside over a specific contested case, if the director certifies in writing the reasons why the character of the case requires utilization of a different procedure for assigning administrative law judges than is established by this amendatory and supplementary act.

7. Section 5 of P. L. 1968, c. 410 (C. 52:14B-5) is amended to read as follows:

C. 52:14B-5 Filing and publication of rules.

5. (a) Each agency shall file with the Director of the Office of Administrative Law a certified copy of each rule adopted by it.

(b) Each rule hereafter adopted is effective upon filing with the Director.

(c) The director shall: (1) accept for filing or publication any rule duly adopted and submitted by any agency pursuant to this act; (2) endorse upon the certified copy of each rule accepted for filing pursuant to this act the date and time upon which such rule was filed; and (3) maintain the certified copy of each rule so filed in a permanent register open to public inspection.

(d) The filing of a certified copy of any rule shall be deemed to establish the rebuttable presumptions that: (1) it was duly adopted; (2) it was duly submitted for prepublication and made available for public inspection at the hour and date endorsed upon it; (3) all requirements of this act and of interagency rules of the director relative to such rule have been complied with; (4) its text is the text of the rule as adopted. Judicial notice shall be taken of the text of each rule, duly filed.

(e) The publication of a rule in the New Jersey Administrative Code or the New Jersey Register shall be deemed to establish the

rebuttable presumption that the rule was duly filed and that the text of the rule as so published is the text of the rule adopted. Judicial notice shall be taken of the text of each rule published in the New Jersey Administrative Code or the New Jersey Register.

8. Section 10 of P. L. 1968, c. 410 (C. 52:14B–10) is amended to read as follows:

C. 52:14B-10 Admissible evidence; certain notice authorized; hearings; recommended report and decision; filing; adoption or rejection by agency head; contents and effective date of final decision.

10. In contested cases:

(a) The parties shall not be bound by rules of evidence whether statutory, common law, or adopted formally by the Rules of Court. All relevant evidence is admissible, except as otherwise provided herein. The administrative law judge may in his discretion exclude any evidence if he finds that its probative value is substantially outweighed by the risk that its admission will either (i) necessitate undue consumption of time or (ii) create substantial danger of undue prejudice or confusion. The administrative law judge shall give effect to the rules of privilege recognized by law. Any party in a contested case may present his case or defense by oral and documentary evidence, submit rebuttal evidence and conduct such cross-examination as may be required, in the discretion of the administrative law judge, for a full and true disclosure of the facts.

(b) Notice may be taken of judicially noticeable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the specialized knowledge of the agency or administrative law judge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The experience, technical competence, and specialized knowledge of the agency or administrative law judge may be utilized in the evaluation of the evidence, provided this is disclosed of record.

(c) All hearings of a State agency required to be conducted as a contested case under this act or any other law shall be conducted by an administrative law judge assigned by the Director of the Office of Administrative Law, except as provided by this amendatory and supplementary act. A recommended report and decision which contains recommended findings of fact and conclusions of law and which shall be based upon sufficient, competent, and credibl

evidence shall be filed, not later than 45 days after the hearing is concluded, with the agency in such form that it may be adopted as the decision in the case and delivered or mailed, to the parties of record with an indication of the date of receipt by the agency head; and an opportunity shall be afforded each party of record to file exceptions, objections, and replies thereto, and to present argument to the head of the agency or a majority thereof, either orally or in writing, as the agency may direct. The head of the agency, upon a review of the record submitted by the administrative law judge, shall adopt, reject or modify the recommended report and decision no later than 45 days after receipt of such recommendations. Unless the head of the agency modifies or rejects the report within such period, the decision of the administrative law judge shall be deemed adopted as the final decision of the head of the agency. The recommended report and decision shall be a part of the record in the case. For good cause shown, upon certification by the director and the agency head, the time limits established herein may be subject to extension.

(d) A final decision or order adverse to a party in a contested case shall be in writing or stated in the record. A final decison shall include findings of fact and conclusions of law, separately stated and shall be based only upon the evidence of record at the hearing, as such evidence may be established by rules of evidence and procedure promulgated by the director.

Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. The final decision may incorporate by reference any or all of the recommendations of the administrative law judge. Parties shall be notified either personally or by mail of any decision or order. Upon request a copy of the decision or order shall be delivered or mailed forthwith by registered or certified mail to each party and to his attorney of record.

(e) Except where otherwise provided by law, the administrative adjudication of the agency shall be effective on the date of delivery or on the date of mailing, of the final decision to the parties of record, whichever shall occur first, or shall be effective on any date after the date of delivery or mailing, as the agency may provide by general rule or by order in the case. The date of delivery or mailing shall be stamped on the face of the decision.

C. 52:14F-7 Authority of agency head to make determinations in connection with cases; conduct of contested cases initiated prior to effective date of act not affected.

9. (New section) a. Nothing in this amendatory and supplementary act shall be construed to deprive the head of any agency of the authority pursuant to section 10 of P. L. 1968, c. 410 (C. 52:14B–10) to determine whether a case is contested or to adopt, reject or modify the findings of fact and conclusions of law of any administrative law judge.

b. Nothing in this amendatory and supplementary act shall be construed to affect the conduct of any contested case initiated prior to the effective date of this act, or the making of any administrative adjudication in such contested case.

C. 52:14F-8 Assignment of administrative law judges to certain contested cases.

10. (New section) Unless a specific request is made by the agency, no administrative law judge shall be assigned by the director to hear contested cases with respect to:

a. The State Board of Parole, the Public Employment Relations Commission, the Division of Workers' Compensation, the Division of Tax Appeals, or to any agency not within section 2 (a) of P. L. 1968, c. 410 (C. 52:14B–2 (a));

b. Any matter where the head of the agency, a commissioner or several commissioners, are required to conduct, or determine to conduct the hearing directly and individually.

C. 52:14F-9 Applicability of State agency transfer act.

11. (New section) This act shall be subject to the provisions of the State Agency Transfer Act, P. L. 1971, c. 375 (C. 52:14D–1 et seq.).

C. 52:14B-6 Repealed.

12. (New section) Section 6 of P. L. 1968, c. 410 (C. 52:14B–6) is repealed.

C. 52:14F-10 Inconsistent acts repealed.

13. (New section) All acts and parts of acts inconsistent with any of the provisions of this amendatory and supplementary act are, to the extent of such inconsistency, superseded and repealed.

14. (New section) To prepare for the implementation and operation of this act there is appropriated to the Division of Administrative Procedure in the Department of State the sum of $100,000.00, the obligation and expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

C. 52:14F-11 **Partial invalidity.**

15. (New section) If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application and to this end the provisions of this act are declared to be severable.

16. (New section) This act shall remain inoperative until 6 months following its enactment, except with respect to the making of appointments and the taking of preparatory actions, which may take effect immediately upon enactment.

Approved July 6, 1978.

CHAPTER 68

AN ACT to create a commission to study sex discrimination in the statutes, prescribing its membership, powers and duties and making an appropriation therefor.

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

1. The Legislature hereby finds and declares that some laws of the State may contain discriminatory provisions based upon sex; that these laws have been enacted over many years, and may reflect policy judgments which are no longer acceptable to our society; that these laws are scattered throughout our statute books, and that a thorough review of all statutes which contain sex-based classifications is necessary to determine their relevance to contemporary standards of equality; and that this thorough review should be undertaken forthwith by a commission to study sex discrimination in the statutes, with a view toward proposing a comprehensive modernization and revision of statutes containing sex-based classifications.

2. There is hereby created a commission to consist of nine members, two members of the Senate, to be appointed by the President of the Senate, no 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, no more than one of whom shall be of the same political party, the Director of the

Division on Women or her designee, and four public members to be appointed by the Governor, without regard to political affiliation.

3. Each of the members of the commission appointed from either House of the Legislature shall serve only as long as he shall be a member of that House and all members shall serve for terms of 2 years and until their respective successors shall be appointed and shall qualify. Vacancies in the membership of the commission shall be filled in the same manner as the original appointments were made.

4. The commission shall organize as soon as may be after the appointment of its members and shall appoint a secretary who need not be a member of the commission. All the members of the commission shall serve without compensation but they shall be entitled to be reimbursed for all necessary expenses incurred in the performance of their duties.

5. It shall be the duty of said commission to make a study of the statutes and decisions of the courts in this State in relation to sex-based classifications in the statutes, and in so doing, it shall have the power to call upon State, municipal and county officials for their cooperation in advancing the commission's work, and to conduct public hearings from time to time. In the exercise of its duties the commission shall have all the powers of any special committee of the Legislature pursuant to the provisions of chapter 13 of Title 52 of the Revised Statutes.

6. The commission shall make such recommendations as it shall deem proper and prepare and submit to the Legislature and the Governor such reports as it shall deem necessary, accompanying its report with its final proposed revision of those statutes which discriminate on the basis of sex.

7. In the performance of its duties the commission shall establish and maintain a working staff and said work shall be performed under the general supervision, as to form, arrangement and classification of revised material, of the Law Revision and Legislative Services Commission or an officer or employee thereof designated by said commission, in order that the integrity of the general arrangement and classification adopted in the Revised Statutes may be maintained; provided, however, that said work in all other respects shall at all times be under the supervision and control of the commission constituted by this act.

8. The commission shall be entitled to call to its assistance and avail itself of the services of such employees of any State, county

or municipal department, board, bureau, commission or agency as it may require and as may be available to it for said purpose, and to employ counsel and such stenographic and clerical assistants and incur such traveling and other miscellaneous expenses as it may deem necessary, in order to perform its duties, and as may be within the limits of funds appropriated or otherwise made available to it for said purposes.

9. No later than October 1, 1979, the chairman of the commission shall submit to the President of the Senate, the Speaker of the General Assembly, and the Governor a report describing the activities and the accomplishments of the commission and, if it is the judgment of the commission that its termination date should be postponed or eliminated, stating the reasons for such judgment.

10. There is hereby appropriated to the commission the sum of $5,000.00 to carry out the purposes of this act.

11. This act shall take effect immediately and shall expire on January 8, 1980.

Approved July 6, 1978.

CHAPTER 69

AN ACT concerning county police departments, amending N. J. S. 40A:14–106 and supplementing Title 40 of the Revised Statutes.

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

1. N. J. S. 40A:14–106 is amended to read as follows:

County police; establishment.

40A:14–106. The governing body of any county, adopting rules for the regulation of traffic upon the county highways and roads and for the enforcement of laws pertaining thereto, by ordinance or resolution, may create and establish a county police department and force and provide for its maintenance, regulation and control. Except as otherwise provided by law, the said board may appoint a chief of the department and such other members, officers and personnel as shall be deemed necessary, determine their terms of office, fix their compensation and prescribe their powers, functions and duties. The said board shall adopt and promulgate rules and

regulations for the government of the department and force and for the discipline of its members.

C. 40A:14-106.1 General authority to exercise police powers.

2. (New section) The governing body of any first class county according to the 1970 Federal census may, by ordinance or resolution, provide that the county police department and force shall have general authority, without limitation, to exercise police powers and duties as generally provided by law for police officers and law enforcement officers, provided, however, that no such grant of general authority shall apply to officers appointed pursuant to R. S. 40:37–154 as county park policemen. All county police departments shall provide the same training for their officers as is provided for regular municipal police officers, and no county police officer shall operate under a grant of general authority unless and until he has received such training.

3. This act shall take effect immediately.

Approved July 6, 1978.

CHAPTER 70

AN ACT concerning townships divided into wards and amending R. S. 40:144–11.

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

1. R. S. 40:144–11 is amended to read as follows:

Township committee members; election; terms; quorum.

40:144–11. The township committee of every township containing more than 7,000 inhabitants which shall hereafter be divided into wards under the provisions of this chapter, shall consist of two members elected from each ward, who shall hold office for 3 years, and one member at large elected by the voters of the whole township, who shall hold office for 4 years and who shall by virtue of his election be chairman of the township committee, and in townships having a population of more than 10,000 shall be known as the mayor of such township. A majority of the members of the committee shall constitute a quorum for the transaction of business, and no standing committees shall be appointed except by

a vote of the majority of the members of such committee. The members from each ward and the member at large shall be elected at the annual township election.

2. This act shall take effect immediately and shall be applicable to terms of office of members elected at the next ensuing township election.

Approved July 7, 1978.

CHAPTER 71

AN ACT concerning the preparing and filing of supplemental debt statements and amending sections 18A:24–16, 18A:24–17 and 18A:24–18 of the New Jersey Statutes.

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

1. N. J. S. 18A:24–16 is amended to read as follows:

Supplemental debt statement; contents.

18A:24–16. No school bonds shall be authorized unless there shall be prepared and filed in accordance with section 18A:24–17 a supplemental debt statement in the form provided by law, setting forth the amounts of all bonds and notes of the district issued and outstanding, or authorized but not issued, and determining the net school debt of the district and the net debt of the municipality comprising the district and giving effect to the proposed authorization of school bonds.

2. N. J. S. 18A:24–17 is amended to read as follows:

Supplemental debt statement; preparation with respect to various municipalities; filing.

18A:24–17. Upon request by the secretary of the board of education, the chief financial officer of each municipality comprising a school district shall prepare a supplemental debt statement with respect to authorization of school bonds by ordinance or proposal as follows:

a. With respect to a municipality comprising a Type I district, the statement shall be prepared as of the date of introduction of the ordinance authorizing the bonds for school purposes. Copies of

such statement shall be filed in the office of the clerk of the municipality and in the office of the secretary of the board of education prior to introduction of the ordinance, and a copy of such statement shall be filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs prior to final adoption of the ordinance.

b. With respect to each municipality comprising a Type II district having a board of school estimate, the statement shall be prepared as of the date the board of education adopts the resolution authorizing the issuance of bonds pursuant to section 18A:24-12 a. or, if the bonds are to be authorized pursuant to the provisions of section 18A:24-21 or section 18A:24-23, as of the date the board of education adopts a resolution authorizing the issuance of bonds and providing for the submission of said resolution to the legally qualified voters of the school district. Copies of such supplemental debt statement shall be filed in the office of the clerk of each such municipality and in the office of the secretary of the board of education prior to the adoption of the resolutions referred to above and a copy of such statement shall be filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs as of the date of the adoption of the resolution authorizing the bonds.

c. With respect to Type II districts without a board of school estimate, supplemental debt statements shall be prepared as of the date the board of education by resolution approves and adopts the proposal or proposals to be submitted to the legal voters of the district. Copies of such statement shall be filed in the office of the clerk of each municipality comprising the school district and in the office of the secretary of the board of education prior to the adoption of the resolution. Copies of such debt statement shall be filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs prior to the date of the election at which the proposal or proposals are submitted to the voters.

3. N. J. S. 18A:24-18 is amended to read as follows:

Presumption of correctness of statements.

18A:24-18. Every such supplemental debt statement shall be conclusively presumed to be accurate and correct as the basis for the issuance of any bond or other obligation, authorized, within the principal amount of bonds to which effect is given therein, by an ordinance or resolution adopted within 60 days after the filing

thereof, and shall not be rebutted, and the correctness and sufficiency of such debt statements shall not be contested or questioned in any action or proceeding relating to any such bond or other obligation or the levy or collection of taxes for the payment of the same.

4. This act shall take effect immediately.

Approved July 7, 1978.

CHAPTER 72

AN ACT concerning autobuses and amending R. S. 48:4–1 and R. S. 48:16–23.

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

1. R. S. 48:4–1 is amended to read as follows:

Definitions and applications.

48:4–1. The term "autobus" as used in this chapter means and includes, except as hereinafter noted, any motor vehicle or motorbus operated over public highways or public places in this State for the transportation of passengers for hire in intrastate business, notwithstanding such motor vehicle or motorbus may be used in interstate commerce.

Nothing contained herein shall be construed to include:

a. Vehicles engaged in the transportation of passengers for hire in the manner and form commonly called taxicab service unless such service becomes or is held out to be regular service between stated termini;

b. Hotel buses used exclusively for the transportation of hotel patrons to or from local railroad or other common carrier stations including local airport;

c. Buses operated for the transportation of enrolled children and adults only when serving as chaperons to or from a school, school connected activity, day camp, summer day camp, nursery school, child care center, pre-school center or other similar places of education, including "School Vehicle Type I" and "School Vehicle Type II" as defined in R. S. 39:1–1.

d. Any autobus with a carrying capacity of not more than 13 passengers operated under municipal consent upon a route established wholly within the limits of a single municipality or with a carrying capacity of not more than 20 passengers operated under municipal consent upon a route established wholly within the limits of not more than four contiguous municipalities within any county of the fifth or sixth class, which route in either case does not in whole or in part parallel upon the same street the line of any street railway or traction railway or any other autobus route.

The word "person" as used in this chapter means and includes any individual, copartnership, association, corporation or joint stock company, their lessees, trustees, or receivers appointed by any court.

The word "street" as used in this chapter means and includes any street, avenue, park, parkway, highway, road or other public place.

The term "charter bus operation" as used in this chapter means and includes the operation of an autobus or autobuses by the person owning or leasing such bus or buses pursuant to a contract, agreement or arrangement to furnish an autobus or autobuses and a driver or drivers thereof to a person, group of persons or organization (corporate or otherwise) for a trip designated by such person, group of persons or organization for a fixed charge per trip, per autobus or per mile.

The term "special bus operation" as used in this chapter means and includes the operation by the owner or lessee of an autobus or autobuses for the purpose of carrying passengers for hire, each passenger paying a fixed charge for his carriage, on a special trip arranged and designated by such owner or lessee, which fixed charge may or may not include meals, lodging, entertainment or other charges.

2. R. S. 48:16–23 is amended to read as follows:

Definitions.

48:16–23. The word "autobus" as used in this article shall mean and include any automobile or motor bus, commonly called jitney, with a carrying capacity of not more than 13 passengers operated under municipal consent upon a route established wholly within the limits of a single municipality or with a carrying capacity of not more than 20 passengers operated under municipal consent upon a route established wholly within the limits of no

more than four contiguous municipalities within any county of the fifth or sixth class, which route in either case does not, in whole or in part, parallel upon the same street the line of any street railway or traction railway or any other autobus route.

The word "person" as used in this article shall mean and include any individual, copartnership, association, corporation or joint stock company, their lessees, trustees, or receivers appointed by any court whatsoever.

The word "street" as used in this article shall mean and include any street, avenue, park, parkway, highway or other public place.

3. This act shall take effect immediately.

Approved July 7, 1978.

CHAPTER 73

AN ACT providing uniform enforcement powers and procedures and uniform standards for revocation, suspension and other disciplinary sanctions for professional and occupational boards within the Division of Consumer Affairs in the Department of Law and Public Safety.

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

C. 45:1-14 Legislature's findings and declarations; construction.

1. The Legislature finds and declares that effective implementation of consumer protection laws and the administration of laws pertaining to the professional and occupational boards located within the Division of Consumer Affairs require uniform investigative and enforcement powers and procedures and uniform standards for license revocation, suspension and other disciplinary proceedings by such boards. This act is deemed remedial, and the provisions hereof should be afforded a liberal construction.

C. 45:1-15 Application of act.

2. The provisions of this act shall apply to the following boards and all professions or occupations regulated by or through such boards: the New Jersey State Board of Certified Public Accountants, the New Jersey State Board of Architects, the State Board

of Barber Examiners, the Board of Beauty Culture Control, the Board of Examiners of Electrical Contractors, the New Jersey State Board of Dentistry, the State Board of Mortuary Science of New Jersey, the State Board of Professional Engineers and Land Surveyors, the State Board of Marriage Counselor Examiners, the State Board of Medical Examiners, the New Jersey Board of Nursing, the New Jersey State Board of Optometrists, the State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians, the Board of Pharmacy, the State Board of Professional Planners, the State Board of Psychological Examiners, the State Board of Examiners of Master Plumbers, the State Board of Shorthand Reporting, and the State Board of Veterinary Medical Examiners.

C. 45:1-16 Definitions.

3. As used within this act the following words or terms shall have the indicated definition unless the context clearly indicates otherwise.

"Board" means any professional or occupational licensing board designated in section 2 of this act.

"Director" means the Director of the Division of Consumer Affairs in the Department of Law and Public Safety.

"Person" means any natural person or his legal representative, partnership, corporation, company, trust, business entity or association, and any agent, employee, salesman, partner, officer, director, member, stockholder, associate, trustee or cestuis que trust thereof.

C. 45:1-17 Powers of attorney general in implementing and administering act.

4. In implementing the provisions of this act and administering the law enforcement activities of those professional and occupational boards located within the Division of Consumer Affairs, the Attorney General may :

a. After advice to the board or boards in question of his intent to proceed under this section, and the specific action he intends to take, and the failure of such board or boards to take steps in accordance with the advice of the Attorney General within 30 days of receipt of such advice, promulgate rules and regulations consistent with the provisions of this act and the Administrative Procedure Act, P. L. 1968, c. 410 (C. 52:14B–1 et seq.) governing the procedure for administrative hearings before all boards within the Division of Consumer Affairs. Such rules and regulations shall govern administrative complaints, answers thereto, issuance of

subpenas, appointment of hearing examiners, adjournments, submission of proposed findings of fact and conclusions of law, the filing of briefs, and such other procedural aspects of administrative hearings before the boards as the Attorney General may deem necessary; provided, however, nothing herein authorized shall be construed to require the Attorney General to promulgate rules regarding prehearing investigative procedures.

b. After advice to the board or boards in question of his intent to proceed under this section, and the specific action he intends to take, and the failure of such board or boards to take steps in accordance with the advice of the Attorney General within 30 days of receipt of such advice, promulgate substantive rules and regulations consistent with the provisions of any statute governing the activities of any licensing agency, board or committee located within the Division of Consumer Affairs, which shall be limited to disciplinary matters and arbitrary restrictions on initial licensure. In addition to promulgating such rules and regulations, the Attorney General may direct that any proposed or existing regulation be amended, abandoned or repealed. Prior to the final adoption of any regulation affecting the activities of any professional or occupational licensing agency, board or committee located within the division and prior to the issuance of any directive to amend, abandon or repeal any regulation, the Attorney General or his designee shall first consult with the agency, board or committee whose activities are affected regarding the proposed action.

c. After a full consideration of all relevant facts and the applicable law, may direct the initiation of any appropriate enforcement action by a professional or occupational licensing board or set aside, modify or amend, as may be necessary, any action or decision of a licensing agency, board or committee located within the Division of Consumer Affairs; provided, however, no such action shall be directed by the Attorney General in reviewing the action or decision of an agency, board or committee unless such action or decision is contrary to applicable law.

C. 45:1-18 Investigative powers.

5. Whenever it shall appear to any board, the director or the Attorney General that a person has engaged in, or is engaging in any act or practice declared unlawful by a statute or regulation administered by such board, or when the board, the director or the Attorney General shall deem it to be in the public interest to inquire whether any such violation may exist, the board or the director through the Attorney General, or the Attorney General

acting independently, may exercise any of the following investigative powers:

a. Require any person to file on such form as may be prescribed, a statement or report in writing under oath, or otherwise, as to the facts and circumstances concerning the rendition of any service or conduct of any sale incidental to the discharge of any act or practice subject to an act or regulation administered by the board;

b. Examine under oath any person in connection with any act or practice subject to an act or regulation administered by the board;

c. Inspect any premises from which a licensed profession or occupation is conducted;

d. Examine any goods, ware or item used in the rendition of any professional or occupational service;

e. Examine any record, book, document, account or paper maintained by or for any professional or occupational licensee in the regular course of practicing such profession or engaging in such occupation;

f. For the purpose of preserving evidence of an unlawful act or practice, pursuant to an order of the Superior Court, impound any record, book, document, account, paper, goods, ware, or item used or maintained by or for any board licensee in the regular course of practicing such profession or engaging in such occupation. In such cases as may be necessary, the Superior Court may, on application of the Attorney General, issue an order sealing items or material subject to this subsection.

In order to accomplish the objectives of this act or any act or regulation administered by a board, the Attorney General may hold such investigative hearings as may be necessary and may issue subpenas to compel the attendance of any person or the production of books, records or papers at any such hearing or inquiry.

C. 45:1-19 Failure to cooperate in lawfully conducted investigative matter or obey a subpena; court order.

6. If any person shall fail or refuse to file any statement or report or refuse access to premises from which a licensed profession or occupation is conducted in any lawfully conducted investigative matter or fail to obey a subpena issued pursuant to this act, the Attorney General may apply to the Superior Court and obtain an order:

a. Adjudging such person in contempt of court; or

b. Granting such other relief as may be required; or

c. Suspending the license of any such person unless and until compliance with the subpena or investigative demand is effected.

C. 45:1-20 Requirement to testify or produce book, paper or other document; compliance.

7. If any person shall refuse to testify or produce any book, paper, or other 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, convict him of a crime, or subject him to a penalty or forfeiture, and shall, notwithstanding, be directed to testify or to produce such book, paper, or document by the Attorney General, he shall comply with such direction.

A person who is entitled by law to, and does assert such privilege, and who complies with such direction of the Attorney General shall not thereafter be prosecuted or subjected 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 such testimony or from any civil or administrative action arising from such testimony.

C. 45:1-21 Refusal to admit person to examination or to issue license; suspension or revocation of license; grounds.

8. A board may refuse to admit a person to an examination or may refuse to issue or may suspend or revoke any certificate, registration or license issued by the board upon proof that the applicant or holder of such certificate, registration or license

a. Has obtained a certificate, registration, license or authorization to sit for an examination, as the case may be, through fraud, deception, or misrepresentation;

b. Has engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense;

c. Has engaged in gross negligence, gross malpractice or gross incompetence;

d. Has engaged in repeated acts of negligence, malpractice or incompetence;

e. Has engaged in professional or occupational misconduct as may be determined by the board;

f. Has been convicted of any crime involving moral turpitude or any crime relating adversely to the activity regulated by the board. For the purpose of this subsection a plea of guilty, non vult,

nolo contendere or any other such disposition of alleged criminal activity shall be deemed a conviction;

g. Has had his authority to engage in the activity regulated by the board revoked or suspended by any other state, agency or authority for reasons consistent with this section;

h. Has violated or failed to comply with the provisions of any act or regulation administered by the board;

i. Is incapable, for medical or any other good cause, of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare.

C. 45:1-22 Additional or alternative sanctions.

9. In addition or as an alternative, as the case may be, to revoking, suspending or refusing to renew any license, registration or certificate issued by it, a board may, after affording an opportunity to be heard:

a. Issue a letter of warning, reprimand, or censure with regard to any act, conduct or practice which in the judgment of the board upon consideration of all relevant facts and circumstances does not warrant the initiation of formal action;

b. Assess civil penalties in accordance with this act;

c. Order that any person violating any provision of an act or regulation administered by such board to cease and desist from future violations thereof or to take such affirmative corrective action as may be necessary with regard to any act or practice found unlawful by the board;

d. Order any person found to have violated any provision of an act or regulation administered by such board to restore to any person aggrieved by an unlawful act or practice, any moneys or property, real or personal, acquired by means of such act or practice; provided, however, no board shall order restoration in a dollar amount greater than those moneys received by a licensee or his agent or any other person violating the act or regulation administered by the board;

e. Order any person, as a condition for continued, reinstated or renewed licensure, to secure medical or such other professional treatment as may be necessary to properly discharge licensee functions.

A board may, upon a duly verified application of the Attorney General alleging an act or practice violating any provision of an act or regulation administered by such board, enter a temporary order suspending or limiting any license issued by the board pend-

ing plenary hearing on an administrative complaint; provided, however, no such temporary order shall be entered unless the application made to the board palpably demonstrates a clear and imminent danger to the public health, safety and welfare and notice of such application is given to the licensee affected by such order.

In any administrative proceeding commenced on a complaint alleging a violation of an act or regulation administered by a board, such board may issue subpenas to compel the attendance of witnesses or the production of books, records, or documents at the hearing on the complaint.

C. 45:1-23 Injunctive relief.

10. Whenever it shall appear to a board, the director or the Attorney General that a violation of any act, including the unlicensed practice of the regulated profession or occupation, or regulation administered by such board 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 such act or practice. In any such 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 such orders as may be necessary to prevent the performance of an unlawful practice in the future and to fully remedy any past unlawful activity. In any action brought pursuant to this section, the court shall not suspend or revoke any license issued by a board.

C. 45:1-24 Failure to pay penalties; certificate of indebtedness; entry upon record; rights and remedies; penalty enforcement.

11. Upon the failure of any person to comply within 10 days after service of any order of a board directing payment of penalties or restoration of moneys or property, the Attorney General or the secretary of such board may issue a certificate to the Clerk of the Superior Court that such person is indebted to the State for the payment of such penalty and the moneys or property ordered restored. A copy of such certificate shall be served upon the person against whom the order was entered. Thereupon the clerk shall immediately enter upon his record of docketed judgments the name of the person so indebted and of the State, a designation of the statute under which the penalty is imposed, the amount of the penalty imposed, and amount of moneys ordered

restored, a listing of property ordered restored, and the date of the certification. Such 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. Such entry, however, shall be without prejudice to the right of appeal to the Appellate Division of the Superior Court from the board's order.

An action to enforce the provisions of any order entered by a board or to collect any penalty levied thereby may be brought in any municipal or county district court or the Superior Court in summary manner pursuant to the Penalty Enforcement Act, (N. J. S. 2A:58–1 et seq.) and the rules of court governing the collection of civil penalties. Process in such action shall be by summons or warrant, and in the event that the defendant fails to answer such action, the court shall issue a warrant for the defendant's arrest for the purpose of bringing such person before the court to satisfy any order entered.

C. 45:1-25 Violation of act or regulation; penalty enforcement.

12. Any person violating any provision of an act or regulation administered by a board shall, in addition to any other sanctions provided herein, be liable to a civil penalty of not more than $2,500.00 for the first offense and not more than $5,000.00 for the second and each subsequent offense. For the purpose of construing this section, each transaction or statutory violation shall constitute a separate offense; provided, however, a second or 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 any board for the collection or enforcement of civil penalties for the violation of any provision of an act or regulation administered by such board. Such action may be brought in summary manner pursuant to the Penalty Enforcement Act (N. J. S. 2A:58–1 et seq.) and the rules of court governing actions for the collection of civil penalties in the municipal or county district court where the offense occurred. Process in such action may be by 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 act 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 moneys or property acquired by means of an unlawful act or practice. Any action alleging the unlicensed practice of a profession or occupation shall be brought pursuant to this section or, where injunctive relief is sought, by an action commenced in the Superior Court. In any action brought pursuant to this act, a board or the court may order the payment of costs for the use of the State.

C. 45:1-26 Inconsistent acts repealed.

13. All acts and parts of acts inconsistent with this act are hereby superseded and repealed.

C. 45:1-27 Partial invalidity.

14. If any provision of this law or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the law which can be given effect without the invalid provision or application, and to this end the provisions of this law are severable.

15. This act shall take effect immediately.

Approved July 13, 1978.

CHAPTER 74

AN ACT providing for additional State school building aid and supplementing Title 18A of the New Jersey Statutes.

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

C. 18A:58-33.22 Short title.

1. This act may be cited as the "Additional State School Building Aid Act."

C. 18A:58-33.23 Legislature's findings.

2. The Legislature finds:

a. That there are many school districts in the State which should immediately renovate or replace aged and deteriorated school buildings and construct new facilities in order to provide suitable educational facilities pursuant to the provisions of N. J. S. 18A:33-1.

b. That there is a serious shortage of vocational facilities at the secondary level for handicapped pupils between the ages of 13 and 21 who would benefit from vocational education.

c. Additional State building aid is needed to provide financial assistance which would permit local school districts, county special services school districts and county vocational school districts to immediately begin capital projects to meet such needs.

d. The New Jersey Commission on Capital Budgeting and Planning has recommended that an Additional State Aid Program be authorized to finance such capital projects.

C. 18A:58-33.24 Additional State school building aid to school districts, county special services school districts and county vocational school districts; amounts.

3. Additional State school building aid shall be made available to school districts, county special services school districts and county vocational school districts in accordance with the provisions of this act for the payment of debt service (interest and principal) on bonds and notes (as hereinafter defined) entitled to the benefits of this act, provided that the amount of bonds entitled to the benefits of this act shall not exceed $100,000,000.00, and provided further that of the total principal amount of the bonds, no more than $80,000,000.00 shall be allocated to the renovation or replacement of aged and deteriorated school buildings and construction of new facilities in districts with financial need and no more than $40,000,000.00 shall be allocated to the expansion and establishment of secondary vocational educational facilities to serve handicapped students between the ages of 13 and 21 who would benefit from vocational education in local school districts, county special services school districts and county vocational school districts with financial need. The amount of aid payable to any local school district for the renovation or replacement of aged and deteriorated school buildings and construction of new facilities shall not exceed an amount equal to 20% of the total aid allocated to this program and in any year such aid shall not exceed an amount equal to $25.00 per pupil in resident enrollment in such school district on September 30, 1976. The amount of aid payable in any year to any local school district, county special services school districts or county vocational school districts for the expansion and construction of secondary vocational education facilities to serve handicapped students between the ages of 13 and 21 shall be no more than 75% of the total debt service of bonds and notes for secondary vocational education projects constructed under the

provisions of this act and shall not exceed an amount equal to the number of handicapped pupils between the ages of 13 and 21 enrolled in such school district whose vocational education needs were not met due to the lack of suitable facilities prior to any application date for funds under this act, multiplied by a standard per student construction cost, established pursuant to guidelines promulgated by the Commissioner of Education.

C. 18A:58-33.25 Application for additional State school building aid; investigation by commissioner of conditions in district; report to board; contents.

4. a. Whenever the board of education of a local school district shall determine by resolution that it is unable to provide suitable general purpose educational facilities to comply with the provisions of N. J. S. 18A:33-1, it may file an application with the Commissioner of Education for additional State school building aid under this act. Upon the receipt of such application, the Commissioner of Education shall cause an investigation to be made of the conditions in the district, taking into consideration the number of unhoused pupils, number of years on split or curtailed sessions, the rate of pupil population increase, the total tax rate of the municipalities in the district, the school tax rate of the district, the net debt of such municipalities and the school debt, the density of population, the equalized valuations allocable with respect to each child in the school district, the number of children on welfare rolls, effects of judicial determinations prior to the enactment hereof concerning constitutional requirements of equal educational opportunity, existing and proposed educational facilities and all such other factors as said commissioner or the State Board of Education may deem necessary for the purpose of this act. The Commissioner of Education shall report the results of such investigation to the State Board of Education and may include therein an evaluation of the ability of such school district to provide suitable educational facilities to comply with the provisions of N. J. S. 18A:33-1, and of the need of such school district for additional State school building aid under this act, advice as to the resident enrollment in such school district as of September 30, 1976 as shown by records with respect thereto on file in his office, recommendation as to the amount (if any) of entitlement (as hereinafter defined) proposed with respect to said school district, and such further information with respect to such school district as requested or required by said board.

b. Whenever the board of education of a local school district, county special services school district or county vocational school

district shall determine by resolution that there are handicapped students between the ages of 13 and 21 who would benefit from vocational education but are not enrolled in such a program and that it is unable to provide suitable facilities for such pupils, it may file an application with the Commissioner of Education for additional State school building aid under this act and forward its plan to provide secondary vocational facilities for handicapped pupils to the County Career Education Coordinating Council. Upon the receipt of such application the County Career Education Coordinating Council shall review the facilities plan as soon as possible and forward its recommendations to the Commissioner of Education forthwith. Upon the receipt of such application from a local school district, the Commissioner of Education shall cause an investigation to be made of the conditions of the district, taking into consideration the number of handicapped pupils between the ages of 13 and 21 who would benefit from such a program and are not presently enrolled in vocational programs due to the lack of facilities, the projected increase or decrease of such pupils in future years, the total tax rate of the municipalities in the district, the school tax rate of the district, the net debt of such municipalities and the school debt, the equalized valuations allocable with respect to each child in the school district, effects of judicial determinations prior to the enactment hereof concerning constitutional requirements of equal educational opportunity, existing and proposed education facilities, the recommendations of the County Career Education Coordinating Council and all such other factors as said commissioner or State Board of Education may deem necessary for the purpose of this act. Upon the receipt of such application from a county special services school district or a county vocational school district, the Commissioner of Education shall cause an investigation to be made of the conditions of the district, taking into consideration the number of handicapped pupils between the ages of 13 and 21 who would benefit from such a program and are not presently enrolled in vocational programs due to the lack of facilities, the projected increase of such pupils in future years, the county vocational school debt, the county debt, the total tax rate of the county, the county average equalized valuations per pupil, existing and proposed educational facilities, the recommendations of the County Career Education Coordinating Council and all such factors as said commissioner or State Board of Education may deem necessary for the purpose of this act. The Commissioner of Education shall

report the results of such investigations to the State Board of Education and may include therein an evaluation of the ability of such school district to provide suitable secondary vocational educational facilities for handicapped pupils, and of the need of such school district for additional State school building aid under this act, advice as to the enrollment of handicapped pupils in such school as of the effective date of this act as shown by records with respect thereto on file in his office, recommendation as to the amount (if any) of entitlement (as hereinafter defined) proposed with respect to said school district, and such further information with respect to such school district as requested or required by said board.

C. 18A:58-33.26 Findings and determinations of board; submission of proposal or ordinance to board authorizing issuance of bonds; indorsement.

5. a. If the State Board of Education shall find that any such school district is not able to provide the suitable educational facilities described hereinabove the State Board of Education shall by resolution determine (1) that such school district is entitled to receive additional State school building aid pursuant to this act, (2) the number of pupils in resident enrollment in such school district on September 30, 1976 for purposes of computation under this act or the number of handicapped pupils between the ages of 13 and 21 whose vocational education needs were not met prior to the enactment of this act, (3) the principal amount of bonds (which amount is hereinafter sometimes referred to as the "entitlement") which are to be entitled to the benefits of the provisions of this act, and (4) the maturity schedule for such principal amount of bonds approved by said board.

b. At any time within 1 year after the adoption by the State Board of Education of the resolution referred to in subsection a. with respect to a particular school district, said school district may submit to the Commissioner of Education a copy of a proposal or ordinance authorizing the issuance of bonds entitled to the benefits of this act in accordance with said resolution, provided that such ordinance or proposal had not been adopted, approved or become effective prior to January 1, 1978, and to make or provide any and all investigations, determinations, endorsements, certifications, considerations, approvals, restrictions, limitations, consents, resolutions, estimates or approvals, which may be required or provided by this act with respect to any such ordinance or proposal, school district or school district projects or educational facilities,

as if such ordinance or proposal had not been adopted, approved or become effective, and any bonds authorized by such ordinance or proposal shall be entitled to all the benefits of this act. If no such proposal or ordinance is submitted within 1 year the said resolution shall be of no further force and effect and the commissioner shall so notify said school district. The Commissioner of Education shall be and is hereby authorized to endorse upon any copy of such proposal or ordinance a certification thereof as being the proposal or ordinance as to which a determination of the State Board of Education has been made as aforesaid, and such indorsement shall be made in such form or manner as said commissioner shall determine.

C. 18A:58-33.27 Additional aid to districts providing community or social services.

6. If the State Board of Education shall determine that it is necessary and appropriate to prorate or approve less than the full entitlement for all the qualifying school districts, the board, after receiving the recommendation of the commissioner, may provide additional aid up to 10% of the district's full entitlement for districts which submit plans for facilities that provide general community or social services.

C. 18A:58-33.28 Submission of proposal or ordinance bearing commissioner's endorsement and board's resolution to local finance board; consent by board for issuance of bonds within 60 days.

7. a. A copy of the resolution of the State Board of Education referred to in subsection a. of section 5 and a copy of the proposal or ordinance referred to in subsection b. of section 5, bearing the endorsement of the Commissioner of Education as aforesaid, shall be submitted to the Local Finance Board in the Department of Community Affairs for its consideration, and the Local Finance Board in considering such copy of proposal or ordinance submitted to it and before endorsing its consent thereon may require the county, the board of education of any school district or the governing body of any municipality in such school district to adopt resolutions restricting or limiting any future proceedings therein or other matters or things deemed by the Local Finance Board to affect any estimate made or to be made by it in accordance with subsection b. hereof, and every such resolution so adopted shall constitute a valid and binding obligation of such school district, municipality or county, as the case may be, running to and enforceable by, and releaseable by, the Local Finance Board.

b. Within 60 days after such submission to it, the Local Finance Board shall cause its consent to be endorsed upon such copy of any

proposal or ordinance authorizing such bonds, if it shall be satisfied, and shall record by resolution, its estimates that the amounts to be expended for the education facilities to be financed pursuant to such proposal or ordinance are not unreasonable or exorbitant, and that issuance of the bonds, to be authorized by such proposal ordinance, will not materially impair the credit of the county, any municipality comprised within the district or substantially reduce its ability, during the ensuing 10 years, to pay punctually the principal and interest of its debts and supply essential public improvements and services, but if the Local Finance Board is not so satisfied it shall cause its disapproval to be endorsed on such copy within said period of 60 days.

C. 18A:58-33.29 Schedule of maturities; request to board of education for approval; endorsement by local finance board within 60 days.

8. a. If the board of education of a school district shall determine by resolution that the maturity schedule for bonds entitled to the benefits of this act, other than the maturity schedule approved by the State Board of Education by resolution pursuant to subsection a. of section 5 of this act, is in the best interest of said school district, it may make application to the State Board of Education setting forth such belief and the grounds therefor and requesting approval of a schedule of maturities for such bonds set forth in the application. If the State Board of Education, by resolution, shall find that the schedule of maturities set forth in the application is in the best interest of the school district and the State, it shall cause its approval to be endorsed thereon and shall forward said application to the Local Finance Board.

b. Within 60 days after submission to the Local Finance Board of an application in accordance with subsection a. of section 8 of this act, it shall cause its approval to be endorsed thereon if it shall be satisfied and shall record by resolution its findings that the belief set forth in such application is well founded and that issuance of the bonds mentioned and described in such application would not materially impair the credit of the county or any municipality comprised within the school district or substantially reduce their ability, during the ensuing 10 years, to pay punctually the principal and interest of its debts and supply essential public improvements and services, but if the Local Finance Board is not so satisfied, it shall cause its disapproval to be endorsed on such copy within said period of 60 days.

C. 18A:58-33.30 Deduction of bonds from school debt and county and municipal gross debt.

9. Any bonds entitled to the benefits of the provisions of this act, shall be deducted from the school debt in determining the net school debt of any school district for any purpose or computation under N. J. S. 18A:24–19, and the amount of all such bonds shall be deducted from the gross debt of any county or municipality constituting the whole or any part of such school district pursuant to N. J. S. 40A:2–44 g.

C. 18A:58-33.31 Issuance of bonds.

10. All of such bonds when issued shall contain a recital to the effect that they are issued pursuant to Title 18A, Education, of the New Jersey Statutes and are entitled to the benefits of the provisions of this act. Except as otherwise provided in this act, any bonds entitled to the benefits of the provisions of this act shall be authorized and issued in the manner provided for in said Title 18A. Compliance with the provisions of this act by or on behalf of any school district or municipality shall make it unnecessary to comply with any of the provisions of N. J. S. 18A:24–20 through N. J. S. 18A:24–27, and such sections shall not be applicable with respect to authorization or issuance of any bonds entitled to the benefits of the provisions of this act. Bonds entitled to the benefits of the provisions of this act shall mature not later than 30 years from their date, without regard to any limitations as to maturities or amounts of annual installments for such bonds as provided in said Title 18A.

C. 18A:58-33.32 Issuance of temporary notes.

11. Any school district, municipality or county which has authorized bonds which are entitled to the benefits of this act, may issue temporary notes or loan bonds (hereinafter called "notes") in anticipation of the issuance of permanent bonds to the extent permitted or provided by or pursuant to the provisions of Title 18A, Education, of the New Jersey Statutes or any other laws applicable, subject to such additional terms or conditions with respect to such notes as may be fixed or required by the Commissioner of Education to insure that funds are borrowed only as needed to meet required payments for construction or acquisition of the educational facilities to be financed by the issuance of permanent bonds.

C. 18A:58-33.33 Certification of amount payable on account of debt service and name and address of paying agents to commissioner; verification and certification to State treasurer.

12. Within 10 days after issuance of any bonds or notes entitled to the benefits of this act, the chief financial officer of the school district, municipality or county issuing such bonds or notes shall certify to the Commissioner of Education the exact amount payable on account of debt service (interest and principal) on such bonds or notes in each year and the name and address of the paying agent or paying agents for such bonds or notes. The Commissioner of Education shall thereupon verify said amounts and certify the same to the State Treasurer together with the name and address of the paying agent or paying agents for such bonds or notes. The certification by the Commissioner of Education as to amount payable in any year for debt service (principal and interest) on such bonds or notes shall be fully conclusive as to such bonds or notes from and after the time of issuance of such bonds or notes, notwithstanding any irregularity, omission or failure as to compliance with any of the provisions of this act with respect to such bonds or notes, provided that such bonds or notes contain a recital to the effect that they are entitled to the benefits of the provisions of this act, and all persons shall be forever estopped from denying that such bonds or notes are entitled to the benefits of the provisions of this act.

C. 18A:58-33.34 Eligibility for additional entitlement and State school aid.

13. Any school district shall be eligible for an entitlement hereunder, and any entitlement may be made hereunder with respect to any school district, notwithstanding that such school district may then be eligible for or shall have heretofore received or shall hereafter receive additional State school building aid or any entitlement with respect thereto under any other act, it being the legislative intent that additional State school building aid hereunder provided shall be independent of, or may be in addition to, any such aid received or to be received as aforesaid. Any school district, with respect to which any determination as to additional State school building aid or any entitlement has been theretofore made pursuant to this act, may make application for further additional State school building aid and for further entitlement, or increase or revision in any such entitlement theretofore made, provided that the aggregate amount of State aid for any school district in any year pursuant to this act shall not exceed the amount specified in section 3 of this act.

C. 18A:58-33.35 Authorization to consider applications; review of status of educational facilities of school districts.

14. The Commissioner of Education, the State Board of Education and the Local Finance Board are each hereby authorized and empowered to consider any application of any school district with respect to additional State school building aid under this act in connection with any educational facilities authorized to be undertaken pursuant to Title 18A of the New Jersey Statutes notwithstanding that such facilities were authorized or approved prior to the taking effect of this act. The State board shall, within 1 year from the effective date of this act and during each succeeding year, review the status of educational facilities of each school district, which is entitled to receive additional State building aid pursuant to this act. Said reviews shall continue annually until such facilities are completed.

C. 18A:58-33.36 Payment to paying agents.

15. All amounts of additional State school building aid to be paid under the provisions of this act with respect to any school district for debt service (principal and interest) on bonds or notes entitled to the benefits of this act shall, on or before the date of such payment of interest and principal, be paid on behalf of the school district, municipality or county issuing such bonds or notes to the paying agent or paying agents for such bonds or notes in amount with respect to such date as reflects the amount of principal or interest, respectively, payable as to such date by reason of such additional State school building aid hereunder payable with respect to such school district. Amounts so paid to such paying agent or paying agents shall be applied to the payment of debt service (principal and interest) on such bonds or notes and for no other purpose.

C. 18A:58-33.37 Annual distribution of aid; inclusion in board's budget; use of amounts.

16. As provided in this act, every school district and municipality which shall be entitled thereto, shall receive annually the amount of its additional State school building aid and the State Board of Education shall include such amount thereof in its annual budget for building aid for such school district. Amounts of such building aid paid under this act shall be used for the payment of debt service (interest and principal) on bonds or notes entitled to the benefits of the provisions of this act.

C. 18A:58-33.38 Investment or deposit of proceeds; certification and payment to State Treasurer; application to payment of principal and interest.

17. Pending application to the purposes for which bonds or notes entitled to the benefits of this act are issued, the proceeds of such bonds or notes shall be invested or deposited subject to regulations prescribed by the State Treasurer. On January 10 in each year the custodian of school moneys of a Type II school district, the chief financial officer of the municipality of a Type I school district or chief financial officer of the county, as the case may be, shall certify and pay to the State Treasurer the amount of earnings received during the preceding year from the investment or deposit of the proceeds from the sale of such bonds or notes, which amounts shall be held by him and applied only to the payment of principal and interest on such bonds or notes.

C. 18A:58-33.39 Regulations; compliance.

18. The commissioner, after consultation with the State Treasurer and approval by the State Board of Education, shall promulgate regulations relating to use of the proceeds of bonds and notes entitled to the benefits of this act, establishing standards for construction progress and practices, fiscal controls, accounting procedures and auditing of funds, and such other matters as he shall deem necessary.

The commissioner shall determine each district's compliance with the regulations promulgated pursuant to this section. When he determines that a district is not in compliance with such regulations, the commissioner is authorized to take appropriate action to insure the proper use of the funds and completion of the project.

C. 18A:58-33.40 Designation of paying agents.

19. No bonds or notes entitled to the benefits of this act shall be issued unless there is designated therefor a paying agent or paying agents, at least one of which is a bank or trust company authorized to do business in this State.

20. This act shall take effect immediately.

Approved July 13, 1978.

CHAPTER 75

AN ACT to amend "An act concerning education and refunding of bonds issued for school or school district purposes by counties, municipalities and school districts and supplementing Title 18A, Education, of the New Jersey Statutes," approved July 2, 1969 (P. L. 1969, c. 130).

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

1. Section 1 of P. L. 1969, c. 130 (C. 18A:24–61.1) is amended to read as follows:

C. 18A:24-61.1 Funding or refunding bonds.

1. Any bonds heretofore or hereafter issued (a) by any county to meet or finance any county college appropriation or purpose or any county vocational school appropriation or purpose, or (b) by any municipality to meet or finance any school district appropriation or purpose, or (c) by any school district which at the time of issuance of such bonds was governed by the provisions of chapter 7 or of chapter 8 of Title 18, Education, of the Revised Statutes or constituted a Type II school district under the provisions of this Title, may be funded or refunded at or prior to the maturity of such bonds as herein provided by issuance of bonds (herein called the "refunding bonds"). Such refunding bonds may be issued in any amount deemed necessary by the governing body of the county or municipality and, in the case of a Type II School District, the Board of Education thereof, and approved by the Local Finance Board.

2. Section 2 of P. L. 1969, c. 130 (C. 18A:24–61.2) is amended to read as follows:

C. 18A:24-61.2 Authorized purposes for refunding bonds.

2. Notwithstanding the provisions of any other law or any debt limitation or requirement for down payment or for referendum or other action by legal voters, refunding bonds may be authorized and issued for the purpose of paying, funding or refunding any refunded bonds and paying the cost or expense of issuing refunding bonds including printing, advertising, accounting, financial, legal or other expense in connection therewith. Obligations to be paid, funded or refunded with respect to which an ordinance

authorizing the issuance of refunding bonds has been adopted pursuant to this act and not otherwise deductible shall be excluded in calculating the net school debt of a municipality or a district. Refunding bonds shall be authorized (a) in the case of any county or municipality by refunding bond ordinance enacted in the manner or mode of procedure provided for adoption of a refunding bond ordinance pursuant to the Local Bond Law, constituting chapter 2 of Title 40A, Municipalities and Counties, of the New Jersey Statutes, and (b) in the case of a Type II school district by an ordinance (herein called the "refunding bond ordinance") adopted by the board of education of such school district as provided in this chapter.

3. Section 4 of P. L. 1969, c. 130 (C. 18A:24-61.4) is amended to read as follows:

C. 18A:24-61.4 Enactment and contents of ordinance.

4. A refunding bond ordinance may be enacted by the board of education of any Type II school district after the approval thereof by resolution of such board of education, and by subsequent adoption thereof after advertised public hearing, notice of which shall be given by publication of such proposed refunding bond ordinance and notice of hearing once at least 7 days prior to date of such hearing, in a newspaper circulating in the school district. Following the holding of such public hearing, at which all interested persons shall be given an opportunity to be heard, such refunding bond ordinance may thereupon be adopted by the recorded affirmative vote of ⅔ of the full membership of such board of education or at such other time and place to which such hearing or further consideration thereof shall have been adjourned. The refunding bond ordinance in the case of a Type II school district shall contain in substance: (a) an authorization of the issuance of the refunding bonds, stating in brief and general terms sufficient for reasonable identification the refunded bonds to be funded or refunded, and the amount of the cost of issuing the refunding bonds which is included in the authorized principal amount of the refunding bonds; (b) the principal amount of refunding bonds authorized; and (c) in either the refunding bond ordinance or a resolution adopted prior to the issuance of the refunding bonds such further provisions as the Local Finance Board in the Department of Community Affairs of the State of New Jersey may require or approve as to deposit, securing, regulation, investment, reinvestment, disposition or application of the proceeds of such refunding bonds, and matters in connection therewith, including the officer

or officers of the school district to be responsible therefor, and amortization or other provision for premiums or other losses incurred.

Such refunding bond ordinance or resolution may also contain provisions, which shall be a part of the contract with the holders of the refunding bonds, as to the establishment of, and the making of appropriations for, reserves or sinking funds and the amount, source, securing, regulation and disposition thereof. Any matter relating to refunding bonds and not required to be contained in the refunding bond ordinance may be performed or determined by subsequent resolution of the board of education, or the performance or determination thereof delegated by resolution to a financial officer of the school district.

4. Section 5 of P. L. 1969, c. 130 (C. 18A:24-61.5) is amended to read as follows:

C. 18A:24-61.5 Filing copy of ordinance; consent of local finance board; entering into contracts or agreements.

5. A certified copy of any refunding bond ordinance shall be filed with the Director of the Division of Local Finance in the Department of Community Affairs before adoption, together with a complete statement in form prescribed by the director and signed by the chief financial officer of the school district as to the outstanding bonds to be funded or refunded by issuance of the refunding bonds. No refunding bond ordinance or any resolution performing, determining or authorizing matters or acts in connection with refunding bonds shall take effect until the consent of the local finance board shall have been endorsed upon a certified copy thereof as adopted.

Any certification or endorsement of consent made by the local finance board or by a majority of the members thereof or by the secretary thereof pursuant to its direction as to any issue of refunding bonds shall, after the issuance of such refunding bonds in reliance thereon, be conclusive as to its validity or regularity and shall not be contested in any action or proceeding relating to such refunding bonds instituted after the issuance of such bonds.

The county, municipality or school district may enter into and contracts or agreements to implement the refunding program, including agreements with banking institutions with respect to the application of moneys deposited in a sinking fund for the payment of the refunding bonds at their maturity date to the purchase of obligations of the United States Government or obligations the

principal of and interest on which are guaranteed by the United States Government or obligations of any agency or instrumentality of the United States Government without regard to any limitations as to the investment or deposit of moneys.

5. Section 8 of P. L. 1969, c. 130 (C. 18A:24–61.8) is amended to read as follows:

C. 18A:24-61.8 Issuance of bonds.

8. Refunding bonds may be issued in one or more series and shall contain the word "refunding" in their title and shall recite that they are issued pursuant to this chapter and shall bear such date or dates, mature at such time or times not exceeding 40 years, as may be approved by the Local Finance Board, from their date, bear interest at such rate or rates, payable at such time or times, be in such denomination and in such form, either coupon or registered, carry such registration privileges, be executed in such manner consistent with the provisions of this Title for bonds of such school district, be payable at such place or places, and be subject to such terms of redemption, with or without premium, as may be determined by the refunding bond ordinance or by subsequent resolution or resolutions of the board of education.

6. Section 10 of P. L. 1969, c. 130 (C. 18A:24–61.10) is amended to read as follows:

C. 18A:24-61.10 Use of sinking or reserve funds to retire bonds; investment of sinking fund moneys.

10. Moneys or investments in any sinking fund or reserve fund of the school district established or held for any refunded bonds to be paid, funded or refunded by issuance of refunding bonds shall, unless the refunding bond ordinance provides otherwise, be applied to the payment or retirement of any such refunded bonds. In the event that there shall be in any such fund any bonds of the school district other than those which are being paid, funded or refunded, said bonds or notes shall be removed from such fund and canceled but only to the extent that the moneys or investment remaining in such fund shall be not less than the outstanding refunded bonds of the school district not funded or refunded and for which such fund was established or held, but any excess of such moneys or investment may be held for and applied to the payment of the principal of and interest on the refunding bonds. The refunding bond ordinance may provide that the proceeds from the sale of any refunding bonds shall be deposited in such sinking fund or reserve fund in trust to provide for the payment and re-

tirement of the obligations being refunded at the maturity dates thereof or by redemption prior to the maturity dates and provision may be made for the pledge and disposition of any amounts in excess of the amounts required for such purposes. Money in any such sinking fund may be invested in (a) direct obligations of the United States Government, (b) obligations the principal of and interest on which are guaranteed by the United States Government, (c) to the extent then permitted by law in obligations of any agency or instrumentality of the United States Government or (d) in certificates of deposit issued by a bank or trust company located in this State if such certificate shall be secured by a pledge of any of said obligations described in (a), (b) or (c) above having an aggregate market value, exclusive of accrued interest, equal at least to the principal amount of the certificates so secured. Nothing herein shall be construed as a limitation on the duration of any deposit in trust for the retirement of obligations being refunded but which shall not have matured and which shall not be presently redeemable or, if presently redeemable, shall not have been called for redemption.

7. This act shall take effect immediately.

Approved July 13, 1978.

CHAPTER 76

AN ACT to amend and supplement "The School Qualified Bond Act" approved June 28, 1976 (P. L. 1976, c. 39).

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

C. 18A:24-97 Qualified bonds; issuance.

1. (New section) a. Qualified bonds may be issued pursuant to the provisions hereof for the purpose of funding ordinances or resolutions which have been adopted in the absence of compliance by the municipality or school district with the provisions as to approval for qualification set forth herein, even if notes have been sold or other obligations incurred pursuant to said ordinance provided that prior to the issuance of such bonds the municipality or school district shall have complied with such provisions.

b. Outstanding bonds of any school district or municipality issued for school purposes may be refunded by the issuance of qualified refunding bonds whether or not in advance of the maturity or redemption date of the outstanding bonds and in any amount determined to be necessary by the local board of education or governing body of the municipality to effect the refunding. Qualified refunding bonds of a municipality shall be sold and issued in the manner provided in N. J. S. 40A:2–52 to 40A:2–60, both inclusive, and of any Type II school district in the manner provided in sections 3 through 11 of P. L. 1969, c. 130 (C. 18A:24–61.3 to 18A:24–61.11), and the provisions of said sections shall be applicable thereto and to such refunding bonds and such refunding bonds shall recite that they are issued pursuant to said provisions and this act.

c. The Commissioner of Education in undertaking the investigation required by subsection b. of section 3 of P. L. 1976, c. 39 (C. 18A:24–88) shall take into consideration any applicable educational goals, objectives and standards established by the State or local board of education, the ability of the school district and the municipality to maintain a thorough and efficient system of education after issuing qualified bonds and such other factors as the commissioner may deem necessary.

2. Section 2 of P. L. 1976, c. 39 (C. 18A:24–87) is amended to read as follows:

C. 18A:24-87 Definitions.

2. For the purposes of this act, unless the context clearly requires a different meaning:

a. "Commissioner" means the Commissioner of Education of the State of New Jersey;

b. "Debt service" means and includes payments of principal and interest upon qualified bonds issued pursuant to the terms of this act or amounts required in order to satisfy sinking fund payment requirements with respect to such bonds;

c. "Local finance board" means the Local Finance Board in the Division of Local Government Services in the Department of Community Affairs, established pursuant to P. L. 1974, c. 35 (C. 52:27D–18.1);

d. "Paying agent" means any bank, trust company or national banking association having the power to accept and administer trusts, named or designated in any qualified bond of a school

district or municipality as the agent for the payment of the principal of and interest thereon and shall include the holder of any sinking fund established for the payment of such bonds;

e. "Qualified Bonds" means those bonds of a school district or municipality authorized and issued in conformity with the provisions of this act;

f. "State board" means the State Board of Education of the State of New Jersey;

g. "School District" means a Type I, Type II, regional, or consolidated school district as defined in Title 18A of the New Jersey Statutes;

h. "State school aid" means the funds made available to local school districts pursuant to N. J. S. 18A:58–3, 18A:58–4, 18A:58–5 and 18A:58–5.1 and section 18 of the Public School Education Act of 1975, P. L. 1975, c. 212 (C. 18A:7A–18) or pursuant to any other law enacted providing for funds to school districts in lieu of or in substitution for the funds presently provided pursuant to N. J. S. 18A:58–3, 18A:58–4, 18A:58–5 and 18A:58–5.1 and section 18 of the Public School Education Act of 1975, P. L. 1975, c. 212 (C. 18A:7A–18).

3. This act shall take effect immediately.

Approved July 13, 1978.

CHAPTER 77

AN ACT to amend "An act concerning the State Highway Department, and adding a route to the State highway system," approved February 9, 1959 (P. L. 1959, c. 4).

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

1. Section 1 of P. L. 1959, c. 4 is amended to read as follows:

Route added to State highway system.

1. The State Commissioner of Transportation shall, as soon as practicable, and in accordance with the procedure set forth in article 1 of chapter 7, Title 27, of the Revised Statutes, add to the present State highway system the following described route: Route

No. 20 starting at the intersection of Oliver street and Jersey street in Paterson and proceeding southwardly crossing Interstate Route I-80 skirting Garrett Mountain Reservation then continuing generally in a southerly direction to the easterly side of Broad street, Paterson and; thence continuing southwardly east of Broad street aforesaid through Paterson and continuing still southwardly to an intersection with State Highway Route U. S. 46 in Clifton, Passaic county.

2. This act shall take effect immediately.

Approved July 13, 1978.

CHAPTER 78

AN ACT to authorize the creation of a debt of the State of New Jersey by the issuance of bonds of the State in the aggregate principal amount of $25,000,000.00 for the purposes of acquiring, developing, constructing and maintaining flood control facilities and for the development of comprehensive flood control master plans; providing the ways and means to pay the interest of such debt and also to pay and discharge the principal thereof; and providing for the submission of this act to the people at a general election; and providing an appropriation therefor.

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

1. This act shall be known and may be cited as the "Emergency Flood Control Bond Act."

2. The Legislature finds and determines that:

a. The State of New Jersey, as a result of its location in a climate subject to heavy rains, its high population density, its high degree of urbanization and its lack of adequate flood control facilities is continually threatened by flooding and flood damages of an extreme nature;

b. The continuation of these conditions endangers the public health, safety and welfare, as well as adversely affecting the economy of the State;

c. In many areas of the State, local governments have been financially unable to assume the full costs of flood protection and control projects needed to address chronic conditions; and

d. The provision of State assistance for local flood control projects and the development of comprehensive flood control master plans are required to initiate an ongoing program to address these problems in a systematic, intergovernmental and environmentally acceptable manner.

3. As used in this act unless the context indicates a different meaning or intent:

a. "Bonds" means the bonds authorized to be issued, or issued, under this act;

b. "Commission" means the New Jersey Commission on Capital Budgeting and Planning;

c. "Commissioner" means the Commissioner of Environmental Protection;

d. "Construction" means, in addition to the usual meaning thereof, acts of construction, reconstruction, replacement, extension, improvement and betterment;

e. "Cost" means the cost of acquisition or construction of all or any part of a flood control project and of all or any real or personal property, agreements and franchises deemed by the department to be necessary or useful and convenient therefor or in connection therewith, including interest or discount on bonds, cost of issuance of bonds, cost of geological and hydrological services, planning, engineering and inspection costs and legal expenses, cost of financial, professional and other estimates and advice, organization, administrative, operating and other expenses prior to and during such acquisition or construction, and all such other expenses as may be necessary or incident to the financing, acquisition, construction and completion of such project or part thereof and the placing of the same in operation, and also such provision for reserves for working capital, operating, maintenance or replacement expenses and for payment or security of principal of or interest on bonds during or after such acquisition or construction as the State Comptroller may determine, and also reimbursements to the State General Fund, or to any other fund from which moneys may have been transferred to the State General Fund, of any moneys theretofore expended for or in connection with such project;

f. "Department" means the Department of Environmental Protection;

g. "Flood control" means the prevention of flood damage by preserving natural detention areas, by returning such areas to their natural state, by developing warning systems, by constructing or reconstructing storage reservoirs, dikes, diversions, dams, spillways, levees, revetments, drains, ditches, culvert enlargement and replacements, or channel improvements, such as widening, deepening, straightening, clearing, sloping, building, filling in and all other alterations;

h. "Local unit" means a municipality or county. A local unit may allocate the proceeds of any grant it receives pursuant to this act to a joint flood control commission, a mosquito commission, a soil conservation district or any other agency authorized to plan or to construct flood control facilities or to an interlocal project;

i. "Project" means the acquisition, development, construction or maintenance of any flood control facility and the development of comprehensive flood control master plans.

4. Bonds of the State of New Jersey are hereby authorized to be issued in the aggregate principal amount of $25,000,000.00 for the purposes of acquiring, developing, constructing and maintaining flood control facilities and for the development of comprehensive flood control master plans:

a. $22,000,000.00 of the proceeds of the bonds shall be reserved to the department for purposes of State grants to local units for the acquisition, development, construction and maintenance of flood control facilities. The terms and conditions of such grants shall be specified by law; provided, however, that no such grant shall be for more than 50% of the cost of any project.

b. $3,000,000.00 of the proceeds shall be reserved to the department for the preparation, development and maintenance of a comprehensive Statewide flood control master plan and for the purpose of grants to counties and other regional agencies for the preparation, development and maintenance, of comprehensive regional flood control master plans. The terms and conditions of such grants shall be specified by law; provided, however, that no such grant shall be for more than 50% of the cost of any project.

5. The commissioner shall issue and promulgate, pursuant to law, such rules and regulations as are necessary and appropriate to carry out the provisions of this act. The commissioner shall review

and consider the findings and recommendations of the commission in the administration of the provisions of this act.

6. Said bonds shall be serial bonds and known as "Emergency Flood Control Bonds" and as to each series, the last annual installment thereof (subject to redemption prior to maturity) shall mature and be paid not later than 35 years from the date of its issuance but may be issued in whole or in part for a shorter term.

Said bonds shall be issued from time to time as the issuing officials herein named shall determine.

7. The Governor, State Treasurer and Comptroller of the Treasury or any two of such officials (hereinafter referred to as "the issuing officials") are hereby authorized to carry out the provisions of this act relating to the issuance of said bonds, and shall determine all matters in connection therewith subject to provisions hereof. In case any of said officials shall be absent from the State or incapable of acting for any reason, his powers and duties shall be exercised and performed by such person as shall be authorized by law to act in his place as a State official.

8. Bonds issued in accordance with the provisions of this act shall be a direct obligation of the State of New Jersey and the faith and credit of the State are pledged for the payment of the interest thereon as same shall become due and the payment of the principal at maturity. The principal and interest of such bonds shall be exempt from taxation by the State or by any county, municipality or other taxing district of the State.

9. Said bonds shall be signed in the name of the State by the Governor or by his facsimile signature, under the Great Seal of the State, and attested by the Secretary of State, or an assistant Secretary of State, and shall be countersigned by the facsimile signature of the Comptroller of the Treasury. Interest coupons attached to said bonds shall be signed by the facsimile signature of the Comptroller of the Treasury. Such bonds may be issued notwithstanding that any of the officials signing them or whose facsimile signatures appear on the bonds or coupons shall cease to hold office at the time of such issue or at the time of the delivery of such bonds to the purchaser.

10. a. Such bonds shall recite that they are issued for the purposes set forth in section 4 of this act and that they are issued in pursuance of this act and that this act was submitted to the

people of the State at the general election held in the month of November, 1978, and that it received the approval of the majority of votes cast for and against it at such election. Such recital in said bonds shall be conclusive evidence of the authority of the State to issue said bonds and of their validity. Any bonds containing such recital shall in any suit, action or proceeding involving their validity be conclusively deemed to be fully authorized by this act and to have been issued, sold, executed and delivered in conformity herewith and with all other provisions of statutes applicable thereto, and shall be incontestable for any cause.

b. Such bonds shall be issued in such denominations and in such form or forms, whether coupon or registered as to both principal and interest, and with or without such provisions for interchangeability thereof, as may be determined by the issuing officials.

11. When the bonds are issued from time to time the bonds of each issue shall constitute a separate series to be designated by the issuing officials. Each series of bonds shall bear such rate or rates of interest as may be determined by the issuing officials, which interest shall be payable semiannually; provided, that the first and last interest periods may be longer or shorter, in order that intervening semiannual payments may be at convenient dates.

12. Said bonds shall be issued and sold at such price not less than the par value thereof and accrued interest thereon, and under such terms, conditions and regulations, as the issuing officials may prescribe, after notice of said sale, published at least once in at least three newspapers published in the State of New Jersey, and at least once in a publication carrying municipal bond notices and devoted primarily to financial news, published in the city of New York or in New Jersey, the first notice to be at least 5 days prior to the day of bidding. The said notice of sale may contain a provision to the effect that any or all bids in pursuance thereof may be rejected. In the event of such rejection or of failure to receive any acceptable bid, the issuing officials, at any time within 60 days from the date of such advertised sale, may sell such bonds at private sale at such price not less than the par value thereof and accrued interest thereon and under such terms and conditions as the issuing officials may prescribe. The issuing officials may sell all or part of the bonds of any series as issued to any State fund or to the Federal Government or any agency thereof, at private sale, without advertisement.

13. Until permanent bonds can be prepared, the issuing officials may, in their discretion, issue in lieu of such permanent bonds temporary bonds in such form and with such privileges as to registration and exchange for permanent bonds as may be determined by the issuing officials.

14. The proceeds from the sale of the bonds shall be paid to the State Treasurer and be held by him in a separate fund, and be deposited in such depositories as may be selected by him to the credit of the fund, which fund shall be known as the "Emergency Flood Control Fund."

15. a. The moneys in said "Emergency Flood Control Fund" are hereby specifically dedicated and shall be applied to the cost of the purposes set forth in section 4 of this act, and all such moneys are hereby appropriated for such purposes, and no such moneys shall be expended for such purpose (except as otherwise hereinbelow authorized) without the specific appropriation thereof by the Legislature, but bonds may be issued as herein provided notwithstanding that the Legislature shall not have then adopted an act making specific appropriation of any of said moneys.

b. At any time prior to the issuance and sale of bonds under this act, the State Treasurer is hereby authorized to transfer from any available money in the treasury of the State to the credit of the "Emergency Flood Control Fund" such sum as he may deem necessary. Said sum so transferred shall be returned to the treasury of this State by the treasurer thereof from the proceeds of the sale of the first issue of bonds.

c. Pending their application to the purpose provided in this act, moneys in the "Emergency Flood Control Fund" may be invested and reinvested as other trust funds in the custody of the State Treasurer in the manner provided by law. Net earnings received from the investment or deposit of such fund shall be paid into the General State Fund.

16. In case any coupon bonds or coupons thereunto appertaining or any registered bond shall become lost, mutilated or destroyed, a new bond shall be executed and delivered of like tenor, in substitution for the lost, mutilated or destroyed bonds or coupons, upon the owner furnishing to the issuing officials evidence satisfactory to them of such loss, mutilation or destruction, proof of ownership and such security and indemnity and reimbursement for expenses as the issuing officials may require.

17. Accrued interest received upon the sale of said bonds shall be applied to the discharge of a like amount of interest upon said bonds when due. Any expense incurred by the issuing officials for advertising, engraving, printing, clerical, legal or other services necessary to carry out the duties imposed upon them by the provisions of this act shall be paid from the proceeds of the sale of said bonds, by the State Treasurer upon warrant of the Comptroller of the Treasury, in the same manner as other obligations of the State are paid.

18. Bonds of each series issued hereunder shall mature in annual installments commencing not later than the tenth year and ending not later than the thirty-fifth year from the date of issue of such series, and in such amounts as shall be determined by the issuing officials, and the issuing officials may reserve to the State by appropriate provision in the bonds of any series the power to redeem all or any of such bonds prior to maturity at such price or prices and upon such terms and conditions as may be provided in such bonds.

19. The issuing officials may at any time and from time to time issue refunding bonds for the purpose of refunding in whole or in part an equal principal amount of the bonds of any series issued and outstanding hereunder, which by their terms are subject to redemption prior to maturity, provided such refunding bonds shall mature at any time or times not later than the latest maturity date of such series, and the aggregate amount of interest to be paid on the refunding bonds, plus the premium, if any, to be paid on the bonds refunded, shall not exceed the aggregate amount of interest which would be paid on the bonds refunded if such bonds were not so refunded. Refunding bonds shall constitute direct obligations of the State of New Jersey, and the faith and credit of the State are pledged for the payment of the principal thereof and the interest thereon. The proceeds received from the sale of refunding bonds shall be held in trust and applied to the payment of the bonds refunded thereby. Refunding bonds shall be entitled to all the benefits of this act and subject to all its limitations except as to the maturities thereof and to the extent herein otherwise expressly provided.

20. To provide funds to meet the interest and principal payment requirements for the bonds issued under this act and outstanding, there is hereby appropriated in the order following:

a. Revenue derived from the collection of taxes as provided by the "Sales and Use Tax Act" (P. L. 1966, c. 30) as amended and supplemented, or so much thereof as may be required; and

b. If in any year or at any time funds, as hereinabove appropriated, necessary to meet interest and principal payments upon outstanding bonds issued under this act, be insufficient or not available then and in that case there shall be assessed, levied and collected annually in each of the municipalities of the counties of this State a tax on real and personal property upon which municipal taxes are or shall be assessed, levied and collected, sufficient to meet the interest on all outstanding bonds issued hereunder and on such bonds as it is proposed to issue under this act in the calendar year in which such tax is to be raised and for the payment of bonds falling due in the year following the year for which the tax is levied. The tax thus imposed shall be assessed, levied and collected in the same manner and at the same time as other taxes upon real and personal property are assessed, levied and collected. The governing body of each municipality shall cause to be paid to the county treasurer of the county in which such municipality is located, on or before December 15 in each year, the amount of tax herein directed to be assessed and levied, and the county treasurer shall pay the amount of said tax to the State Treasurer on or before December 20 in each year.

If on or before December 31 in any year the issuing officials shall determine that there are moneys in the General State Fund beyond the needs of the State, sufficient to meet the principal of bonds falling due and all interest payable in the ensuing calendar year, then and in the event such issuing officials shall by resolution so find and shall file the same in the office of the State Treasurer, whereupon the State Treasurer shall transfer such moneys to a separate fund to be designated by him, and shall pay the principal and interest out of said fund as the same shall become due and payable, and the other sources of payment of said principal and interest provided for in this section shall not then be available, and the receipts for said year from the tax specified in subsection a. of this section shall thereon be considered and treated as part of the General State Fund, available for general purposes.

21. Should the State Treasurer, by December 31 of any year, deem it necessary, because of insufficiency of funds to be collected from the sources of revenues as hereinabove provided, to meet the interest and principal payments for the year after the ensuing

year, then the treasurer shall certify to the Comptroller of the Treasury the amount necessary to be raised by taxation for such purposes, the same to be assessed, levied and collected for and in the ensuing calendar year. In such case the Comptroller of the Treasury shall, on or before March 1 following, calculate the amount in dollars to be assessed, levied and collected as herein set forth in each county. Such calculation shall be based upon the corrected assessed valuation of such county for the year preceding the year in which such tax is to be assessed, but such tax shall be assessed, levied and collected upon the assessed valuation of the year in which the tax is assessed and levied. The Comptroller of the Treasury shall certify said amount to the county board of taxation and the county treasurer of each county. The said county board of taxation shall include the proper amount in the current tax levy of the several taxing districts of the county in proportion to the ratables as ascertained for the current year.

22. For the purpose of complying with the provisions of the State Constitution this act shall, at the general election to be held in the month of November, 1978 be submitted to the people. In order to inform the people of the contents of this act it shall be the duty of the Secretary of State, after this section shall take effect, and at least 15 days prior to the said election, to cause this act to be published in at least 10 newspapers published in the State and to notify the clerk of each county of this State of the passage of this act, and the said clerks respectively, in accordance with the instructions of the Secretary of State, shall cause to be printed on each of the said ballots, the following:

If you approve the act entitled below, make a cross (×), plus (+), or check (√) mark in the square opposite the word "Yes."

If you disapprove the act entitled below, make a cross (×), plus (+), or check (√) mark in the square opposite the word "No."

If voting machines are used, a vote of "Yes" or "No" shall be equivalent to such markings respectively.

	Yes.	EMERGENCY FLOOD CONTROL BOND ISSUE Should the "Emergency Flood Control Bond Act of 1978" which authorizes the State to issue bonds in the amount of $25,000,000.00 for the purposes of acquiring, developing, constructing, and maintaining flood control facilities and for the development of comprehensive flood control master plans, providing the ways and means to pay the interest of such debt and also to pay and discharge the principal thereof, be approved? INTERPRETATIVE STATEMENT Approval of this act would authorize the sale of $25,000,000.00 in State bonds. Of this amount $22,000,000.00 would be used to provide money to municipalities and counties for up to 50% of cost of acquiring, developing, constructing and maintaining flood control facilities. The remaining $3,000,000.00 would be used to develop and maintain comprehensive master plans, both Statewide and regionally. The State would be authorized to provide grants to counties and other regional agencies for up to 50% of the cost of any regional flood control master plan.
	No.	

The fact and date of the approval or passage of this act, as the case may be, may be inserted in the appropriate place after the title in said ballot. No other requirements of law of any kind or character as to notice or procedure except as herein provided need be adhered to.

The said votes so cast for and against the approval of this act, by ballot or voting machine, shall be counted and the result thereof returned by the election officer, and a canvass of such election had

in the same manner as is provided for by law in the case of the election of a Governor, and the approval or disapproval of this act so determined shall be declared in the same manner as the result of an election for a Governor, and if there shall be a majority of all the votes cast for and against it at such election in favor of the approval of this act, then all the provisions of this act not made effective theretofore shall take effect forthwith.

23. There is hereby appropriated the sum of $5,000.00 to the Department of State for expenses in connection with the publication of notice pursuant to section 22.

24. The commissioner shall submit to the State Treasurer and the commission with the department's annual budget request a plan for the expenditure of funds from the "Emergency Flood Control Fund" for upcoming fiscal year. This plan shall include the following information: a performance evaluation of the expenditures made from the fund to date; a description of programs planned during the upcoming fiscal year; a copy of the regulations in force governing the operation of programs that are financed, in part or in whole, by funds from the "Emergency Flood Control Fund"; and an estimate of expenditures for the upcoming fiscal year.

25. Immediately following the submission to the Legislature of the Governor's Annual Budget Message the commissioner shall submit to the Senate Energy and Environment Committee and the Assembly Agriculture and Environment Committee, or their designated successors and the special joint legislative committee created pursuant to Assembly Concurrent Resolution No. 66 of the 1968 Legislature as reconstituted and continued from time to time by the Legislature, a copy of the plan called for under section 24 of this act, together with such changes therein as may have been required by the Governor's budget message.

26. Not less than 30 days prior to the commissioner entering into any contract, lease, obligation, or agreement to effectuate the purposes of this act the commissioner shall report to and consult with the special joint legislative committee created pursuant to Assembly Concurrent Resolution No. 66 of the 1968 Legislature as reconstituted and continued from time to time by the Legislature.

27. This section and sections 22 and 23 of this act shall take effect immediately and the remainder of the act shall take effect as and when provided in section 22.

Approved July 13, 1978.

CHAPTER 79

AN ACT authorizing the creation of a debt of the State of New Jersey by issuance of bonds of the State in the sum of $100,000,000.00 for public buildings, their planning, erection, acquisition, improvement, construction, reconstruction, development, extension, rehabilitation, demolition and equipment; providing the ways and means to pay the interest of said debt and also to pay and discharge the principal thereof; providing for the submission of this act to the people at a general election; and providing an appropriation therefor.

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

1. This act shall be known and may be cited as the "Institutional Construction Bond Act of 1978."

2. The Legislature hereby finds that:

a. The State of New Jersey requires an immediate program for the construction of institutions for the mentally retarded in concert with the Federal Program for Intermediate Care Facilities/ Mentally Retarded.

b. The State of New Jersey requires an immediate and integrated program for the construction and improvement of institutions for the incarcerated and mentally ill in order to provide safe and humane conditions in such institutions.

c. The State of New Jersey has an immediate need to construct, improve and acquire public buildings for various functions of State Government in order to provide for increased efficiency and reduced cost of such functions.

d. Implementation of the above cited construction and acquisition will meet critical needs of the people of the State, will substantially further the public interest, and can be most economically financed through a bond issue.

3. Except as the context may otherwise require:

a. "Commission" means the New Jersey Commission on Capital Budgeting and Planning.

b. "Construction" means the planning, erection, acquisition improvement, construction, reconstruction, development, extension

rehabilitation, demolition and equipment of public buildings or institutions, including all equipment and facilities necessary to the operation thereof, and includes the acquisition of land necessary for said purposes.

c. "Institutions" means (1) buildings, structures and facilities under the supervision and control of the Department of Corrections or the Department of Human Services; and

(2) Buildings, structures, and facilities necessary for the operation of State, county, municipal, or private nonprofit programs for the mentally retarded and mentally ill.

d. "Public buildings" means buildings, structures and facilities under the supervision and control of any executive department of this State.

4. The chief executive officer of any department designated pursuant to section 5 of this act to implement a portion of the construction provided for in this act shall issue and promulgate, pursuant to law, such rules and regulations as are necessary and appropriate to carry out the provisions of this act. Such chief executive officer shall review and consider the findings and recommendations of the commission in the administration of the provisions of this act.

5. Bonds of the State of New Jersey in the sum of $100,000,000.00 are hereby authorized for the construction and acquisition of public buildings and institutions as defined herein. Of such total the proceeds from the sale of bonds shall be allocated, to the maximum extent practicable and feasible, according to the following estimates of cost:

a. The construction of public buildings for the mentally retarded in conjunction with the Federal Program for Intermediate Care Facilities/Mentally Retarded—$51,000,000.00; and for improvements and additions to facilities for the mentally ill—$8,000,000.00 to be implemented by the Department of Human Services.

b. The construction of institutions for the incarcerated, including the completion of the reconstruction of Trenton State Prison, to be implemented by the Department of Corrections—$30,000,000.00.

c. Construction of public buildings for records and for library facilities for blind and handicapped persons, to be implemented by the Department of Education—$6,500,000.00.

d. Construction of a forensic science facility for the activities of the State Medical Examiner to be implemented by the Department of Law and Public Safety—$4,500,000.00.

6. Said bonds shall be serial bonds and known as "Institutional Construction Bonds" and as to each series, the last annual installment thereof (subject to redemption prior to maturity) shall mature and be paid not later than 35 years from the date of its issuance but may be issued in whole or in part for a shorter term.

Said bonds shall be issued from time to time as the issuing officials herein named shall determine.

7. The Governor, State Treasurer and Comptroller of the Treasury or any two of such officials (hereinafter referred to as "the issuing officials") are hereby authorized to carry out the provisions of this act relating to the issuance of said bonds, and shall determine all matters in connection therewith subject to provisions hereof. In case any of said officials shall be absent from the State or incapable of acting for any reason, his powers and duties shall be exercised and performed by such person as shall be authorized by law to act in his place as a State official.

8. Bonds issued in accordance with the provisions of this act shall be a direct obligation of the State of New Jersey and the faith and credit of the State are pledged for the payment of the interest thereon as same shall become due and the payment of the principal at maturity. The principal and interest of such bonds shall be exempt from taxation by the State or by any county, municipality or other taxing district of the State.

9. Said bonds shall be signed in the name of the State by the Governor or by his facsimile signature, under the Great Seal of the State, and attested by the Secretary of State, or an assistant Secretary of State, and shall be countersigned by the facsimile signature of the Comptroller of the Treasury. Interest coupons attached to said bonds shall be signed by the facsimile signature of the Comptroller of the Treasury. Such bonds may be issued notwithstanding that any of the officials signing them or whose facsimile signatures appear on the bonds or coupons shall cease to hold office at the time of such issue or at the time of the delivery of such bonds to the purchaser.

10. a. Such bonds shall recite that they are issued for the purposes set forth in section 5 of this act and that they are issued in pursuance of this act and that this act was submitted to the people of the State at the general election held in the month of November, 1978 and that it received the approval of the majority of votes cast for and against it at such election. Such recital ir

said bonds shall be conclusive evidence of the authority of the State to issue said bonds and of their validity. Any bonds containing such recital shall in any suit, action or proceeding involving their validity be conclusively deemed to be fully authorized by this act and to have been issued, sold, executed and delivered in conformity herewith and with all other provisions of statutes applicable thereto, and shall be incontestable for any cause.

b. Such bonds shall be issued in such denominations and in such form or forms, whether coupon or registered as to both principal and interest, and with or without such provisions for interchangeability thereof, as may be determined by the issuing officials.

11. When the bonds are issued from time to time the bonds of each issue shall constitute a separate series to be designated by the issuing officials. Each series of bonds shall bear such rate or rates of interest as may be determined by the issuing officials, which interest shall be payable semiannually; provided, that the first and last interest periods may be longer or shorter, in order that intervening semiannual payments may be at convenient dates.

12. Said bonds shall be issued and sold at such price not less than the par value thereof and accrued interest thereon, and under such terms, conditions and regulations, as the issuing officials may prescribe, after notice of said sale, published at least once in at least three newspapers published in the State of New Jersey, and at least once in a publication carrying municipal bond notices and devoted primarily to financial news, published in the city of New York or in New Jersey, the first notice to be at least 5 days prior to the day of bidding. The said notice of sale may contain a provision to the effect that any or all bids in pursuance thereof may be rejected. In the event of such rejection or of failure to receive any acceptable bid, the issuing officials, at any time within 60 days from the date of such advertised sale, may sell such bonds at private sale at such price not less than the par value thereof and accrued interest thereon and under such terms and conditions as the issuing officials may prescribe. The issuing officials may sell all or part of the bonds of any series as issued to any State fund or to the Federal Government or any agency thereof, at private sale, without advertisement.

13. Until permanent bonds can be prepared, the issuing officials may, in their discretion, issue in lieu of such permanent bonds temporary bonds in such form and with such privileges as to registra-

tion and exchange for permanent bonds as may be determined by the issuing officials.

14. The proceeds from the sale of the bonds shall be paid to the State Treasurer and be held by him in a separate fund and be deposited in such depositories as may be selected by him to the credit of the fund, which fund shall be known as the "Institutional Construction Fund."

15. a. The moneys in said "Institutional Construction Fund" are hereby specifically dedicated and shall be applied to the cost of the purposes set forth in section 5 of this act, and all such moneys are hereby appropriated for such purposes, and no such moneys shall be expended for such purpose (except as otherwise hereinbelow authorized) without the specific appropriation thereof by the Legislature, but bonds may be issued as herein provided notwithstanding that the Legislature shall not have then adopted an act making specific appropriation of any of said moneys.

b. At any time prior to the issuance and sale of bonds under this act, the State Treasurer is hereby authorized to transfer from any available money in the treasury of the State to the credit of the "Institutional Construction Fund" such sum as he may deem necessary. Said sum so transferred shall be returned to the treasury of this State by the treasurer thereof from the proceeds of the sale of the first issue of bonds.

c. Pending their application to the purpose provided in this act, moneys in the "Institutional Construction Fund" may be invested and reinvested as other trust funds in the custody of the State Treasurer in the manner provided by law. Net earnings received from the investment or deposit of such fund shall be paid into the General State Fund.

16. In case any coupon bonds or coupons thereunto appertaining or any registered bond shall become lost, mutilated or destroyed, a new bond shall be executed and delivered of like tenor, in substitution for the lost, mutilated or destroyed bonds or coupons, upon the owner furnishing to the issuing officials evidence satisfactory to them of such loss, mutilation or destruction, proof of ownership and such security and indemnity and reimbursement for expenses as the issuing officials may require.

17. Accrued interest received upon the sale of said bonds shall be applied to the discharge of a like amount of interest upon said

bonds when due. Any expense incurred by the issuing officials for advertising, engraving, printing, clerical, legal or other services necessary to carry out the duties imposed upon them by the provisions of this act shall be paid from the proceeds of the sale of said bonds, by the State Treasurer upon warrant of the Comptroller of the Treasury, in the same manner as other obligations of the State are paid.

18. Bonds of each series issued hereunder shall mature in annual installments commencing not later than the tenth year and ending not later than the thirty-fifth year from the date of issue of such series, and in such amounts as shall be determined by the issuing officials, and the issuing officials may reserve to the State by appropriate provision in the bonds of any series the power to redeem all or any of such bonds prior to maturity at such price or prices and upon such terms and conditions as may be provided in such bonds.

19. The issuing officials may at any time and from time to time issue refunding bonds for the purpose of refunding in whole or in part an equal principal amount of the bonds of any series issued and outstanding hereunder, which by their terms are subject to redemption prior to maturity, provided such refunding bonds shall mature at any time or times not later than the latest maturity date of such series, and the aggregate amount of interest to be paid on the refunding bonds, plus the premium, if any, to be paid on the bonds refunded, shall not exceed the aggregate amount of interest which would be paid on the bonds refunded if such bonds were not so refunded. Refunding bonds shall constitute direct obligations of the State of New Jersey, and the faith and credit of the State are pledged for the payment of the principal thereof and the interest thereon. The proceeds received from the sale of refunding bonds shall be held in trust and applied to the payment of the bonds refunded thereby. Refunding bonds shall be entitled to all the benefits of this act and subject to all its limitations except as to the maturities thereof and to the extent herein otherwise expressly provided.

20. To provide funds to meet the interest and principal payment requirements for the bonds issued under this act and outstanding, there is hereby appropriated in the order following:

a. Revenue derived from the collection of taxes as provided by the "Sales and Use Tax Act" (P. L. 1966, c. 30) as amended and supplemented, or so much thereof as may be required; and

b. If in any year or at any time funds, as hereinabove appropriated, necessary to meet interest and principal payments upon outstanding bonds issued under this act, be insufficient or not available then and in that case there shall be assessed, levied and collected annually in each of the municipalities of the counties of this State a tax on real and personal property upon which municipal taxes are or shall be assessed, levied and collected, sufficient to meet the interest on all outstanding bonds issued hereunder and on such bonds as it is proposed to issue under this act in the calendar year in which such tax is to be raised and for the payment of bonds falling due in the year following the year for which the tax is levied. The tax thus imposed shall be assessed, levied and collected in the same manner and at the same time as other taxes upon real and personal property are assessed, levied and collected. The governing body of each municipality shall cause to be paid to the county treasurer of the county in which such municipality is located, on or before December 15 in each year, the amount of tax herein directed to be assessed and levied, and the county treasurer shall pay the amount of said tax to the State Treasurer on or before December 20 in each year.

If on or before December 31 in any year the issuing officials shall determine that there are moneys in the General State Fund beyond the needs of the State, sufficient to meet the principal of bonds falling due and all interest payable in the ensuing calendar year, then and in the event such issuing officials shall by resolution so find and shall file the same in the office of the State Treasurer, whereupon the State Treasurer shall transfer such moneys to a separate fund to be designated by him, and shall pay the principal and interest out of said fund as the same shall become due and payable, and the other sources of payment of said principal and interest provided for in this section shall not then be available, and the receipts for said year from the tax specified in subsection a. of this section shall thereon be considered and treated as part of the General State Fund, available for general purposes.

21. Should the State Treasurer, by December 31 of any year, deem it necessary, because of insufficiency of funds to be collected from the sources of revenues as hereinabove provided, to meet the interest and principal payments for the year after the ensuing year, then the treasurer shall certify to the Comptroller of the Treasury the amount necessary to be raised by taxation for such purposes, the same to be assessed, levied and collected for and in

the ensuing calendar year. In such case the Comptroller of the Treasury shall, on or before March 1 following, calculate the amount in dollars to be assessed, levied and collected as herein set forth in each county. Such calculation shall be based upon the corrected assessed valuation of such county for the year preceding the year in which such tax is to be assessed, but such tax shall be assessed, levied and collected upon the assessed valuation of the year in which the tax is assessed and levied. The Comptroller of the Treasury shall certify said amount to the county board of taxation and the county treasurer of each county. The said county board of taxation shall include the proper amount in the current tax levy of the several taxing districts of the county in proportion to the ratables as ascertained for the current year.

22. For the purpose of complying with the provisions of the State Constitution this act shall, at the general election to be held in the month of November, 1978 be submitted to the people. In order to inform the people of the contents of this act it shall be the duty of the Secretary of State, after this section shall take effect, and at least 15 days prior to the said election, to cause this act to be published in at least 10 newspapers published in the State and to notify the clerk of each county of this State of the passage of this act, and the said clerks respectively, in accordance with the instructions of the Secretary of State, shall cause to be printed on each of the said ballots, the following:

If you approve the act entitled below, make a cross (×), plus (+), or check (√) mark in the square opposite the word "Yes."

If you disapprove the act entitled below, make a cross (×), plus (+), or check (√) mark in the square opposite the word "No."

If voting machines are used, a vote of "Yes" or "No" shall be equivalent to such markings respectively.

	Yes.	INSTITUTIONAL CONSTRUCTION BOND ISSUE Should the "Institutional Construction Bond Act of 1978" which authorizes the State to issue bonds in the amount of $100,000,000.00 for construction and improvement of facilities serving the mentally retarded and mentally ill; for construction of correctional institutions including Trenton State Prison; and for the acquisition and construction of facilities, including facilities to serve blind and handicapped persons and a forensic laboratory for the State Medical Examiner; and to provide means to pay the principal and interest on these bonds, be approved? INTERPRETIVE STATEMENT Approval of this act will authorize sale of $100,000,000.00 in bonds to be used (1) to provide facilities for the mentally retarded and mentally ill which will improve the quality of care and allow the State to receive partial Federal reimbursement for such services; (2) for construction and improvement of correctional facilities to provide safe and humane conditions; (3) to offer library services to the blind and handicapped; and (4) to provide for a forensic laboratory for the State Medical Examiner.
	No.	

The fact and date of the approval or passage of this act, as the case may be, may be inserted in the appropriate place after the title in said ballot. No other requirements of law of any kind or character as to notice or procedure except as herein provided need be adhered to.

The said votes so cast for and against the approval of this act by ballot or voting machine, shall be counted and the result thereof returned by the election officer, and a canvass of such election had

in the same manner as is provided for by law in the case of this election of a Governor, and the approval or disapproval of this act so determined shall be declared in the same manner as the result of an election for a Governor, and if there shall be a majority of all the votes cast for and against it at such election in favor of the approval of this act, then all the provisions of this act not made effective theretofore shall take effect forthwith.

23. There is hereby appropriated the sum of $5,000.00 to the Department of State for expenses in connection with the publication of notice pursuant to section 22.

24. The chief executive officers of departments designated pursuant to section 5 of this act to implement construction provided for in this act shall submit to the State Treasurer and the commission with the department's annual budget request a plan for the expenditure of funds from the "Institutional Construction Fund" for the upcoming fiscal year. This plan shall include the following information: a performance evaluation of the expenditures made from the fund to date; a description of programs planned during the upcoming fiscal year; a copy of the regulations in force governing the operation of programs that are financed, in part or in whole, by funds from the "Institutional Construction Fund"; and an estimate of expenditures for the upcoming fiscal year.

25. Immediately following the submission to the Legislature of the Governor's Annual Budget Message the chief executive officer of each department designated pursuant to section 5 of this act shall submit to the relevant standing committees of the Legislature, as designated by the President of the Senate and the Speaker of the General Assembly, and to the special joint legislative committee created pursuant to Assembly Concurrent Resolution No. 66 of the 1968 Legislature, as reconstituted and continued by the Legislature from time to time, a copy of the plan called for under section 24 of this act, together with such changes therein as may have been required by the Governor's budget message.

26. Not less than 30 days prior to entering into any contract, lease, obligation, or agreement to effectuate the purposes of this act, the chief executive officer of any department designated pursuant to section 5 of this act shall report to and consult with the special joint legislative committee created pursuant to Assembly

Concurrent Resolution No. 66 of the 1968 Legislature as reconstituted and continued from time to time by the Legislature.

27. This section and sections 22 and 23 of this act shall take effect immediately and the remainder of the act shall take effect as and when provided in section 22.

Approved July 13, 1978.

CHAPTER 80

AN ACT to amend and supplement the "Department of Energy Act," approved July 11, 1977 (P. L. 1977, c. 146).

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

1. Section 3 of P. L. 1977, c. 146 (C. 52:27F–3) is amended to read as follows:

C. 52:27F-3 Definitions.

As used in this act:

a. "Commissioner" means the Commissioner of the Department of Energy;

b. "Department" means the Department of Energy established by this act;

c. "Distributor" means and includes each person, wherever resident or located, who imports into this State fuels for use, distribution, storage, or sale in this State after the same shall reach this State; and also each person who produces, refines, manufactures, blends, or compounds fuels and sells, uses, stores, or distributes the same within this State. In no case, however, shall a retail dealer be construed to be a distributor;

d. "Energy" means all power derived from, or generated by, any natural or man-made agent, including, but not limited to, petroleum products, gases, solar radiation, atomic fission or fusion, mineral formations, thermal gradients, wind, or water.

e. "Energy facility" means any plant or operation which produces, converts, distributes or stores energy or converts one form of energy to another; in no case, however, shall an operation conducted by a person acting only as a retail dealer be construed as an energy facility;

f. "Energy information" means any statistic, datum, fact, or item of knowledge and all combinations thereof relating to energy;

g. "Energy information system" means the composite of energy information collected by the office;

h. "Energy industry" means any person, company, corporation, business, institution, establishment or other organization of any nature engaged in the exploration, extraction, transportation, transmission, refining, processing, generation, distribution, sale or storage of energy;

i. "Fuel" means coal, petroleum products, gases and nuclear fuel, including enriched uranium, U235 and U238, and plutonium, U239;

j. "Gases" means natural gas, methane, liquefied natural gas, synthetic natural gas, coal gas and other manufactured gases;

k. "Person" means natural persons, partnerships, firms, associations, joint stock companies, syndicates and corporations, and any receiver, trustee, conservator or other officer appointed pursuant to law or by any court, State or Federal; "person" also means the State of New Jersey, counties, municipalities, authorities, other political subdivisions, and all departments and agencies within the aforementioned governmental entities;

l. "Petroleum products" means and includes motor gasoline, middle distillate oils, residual fuel oils, aviation fuel, propane, butane, natural gasoline, naphtha, gas oils, lubricating oils and any other similar or dissimilar liquid hydrocarbons;

m. "Public building" means any building, structure, facility or complex used by the general public, including, but not limited to, theaters, concert halls, auditoriums, museums, schools, libraries, recreation facilities, public transportation terminals and stations, factories, office buildings, business establishments, passenger vehicle service stations, shopping centers, hotels or motels and public eating places, owned by any State, county or municipal government agency or instrumentality or any private individual, partnership, association or corporation;

n. "Purchase" means and includes, in addition to its ordinary meaning, any acquisition of ownership or possession, including, but not limited to, condemnation by eminent domain proceedings;

o. "Retail dealer" means any person who engages in the business of selling fuels from a fixed location such as a service station, filling station, store, or garage directly to the ultimate users of said fuel;

p. "Sale" means and includes, in addition to its ordinary meaning, any exchange, gift, theft, or other disposition. In such case where fuels are exchanged, given, stolen, or otherwise disposed of, they shall be deemed to have been sold;

q. "Supplier of fuel" means any refiner, importer, marketer, jobber, distributor, terminal operator, firm, corporation, wholesaler, broker, cooperative or other person who supplies, sells, consigns, transfers, or otherwise furnishes fuel. In no case, however, shall a retail dealer be construed to be a supplier of fuel;

r. "Trade secret" means the whole or any portion or phase of any scientific, technical or otherwise proprietary information, design, process, procedure, formula or improvement which is used in one's business and is secret and of value; and a trade secret shall be presumed to be secret when the owner takes measures to prevent it from becoming available to persons other than those selected by the owner to have access thereto for limited purposes;

s. "Wholesale dealer" means any person who engages in the business of selling fuels to other persons who resell the said fuel. In no case shall a retail dealer be considered as a wholesale dealer.

t. "Cogeneration" means the simultaneous production in one facility of electric power and other useful forms of energy such as heating or process steam.

2. Section 9 of P. L. 1977, c. 146 (C. 52:27F–11) is amended to read as follows:

C. 52:27F-11 Powers and duties of commissioner.

9. The commissioner shall, on behalf of the department through the Division of Energy Planning and Conservation:

a. Manage the department as the central repository within the State Government for the collection of energy information;

b. Collect and analyze data relating to present and future demands and resources for all forms of energy;

c. Have authority to require all persons, firms, corporations or other entities engaged in the production, processing, distribution, transmission or storage of energy in any form or in the use of steam in quantities greater than 50,000 pounds per hour to submit reports setting forth such information as shall be required to carry out the provisions of this act;

d. Have authority to require any person to submit information necessary for determining the impact of any construction or development project on the energy and fuel resources of this State;

e. Charge other State Government departments and agencies involved in energy-related activities, including the Board of Public Utilities, with specific information gathering goals and require that said goals be fulfilled;

f. Establish an energy information system which will provide all data necessary to insure a fair and equitable distribution of available energy, to permit a more efficient and effective use of available energy, and to provide the basis for long-term planning related to energy needs;

g. Design, implement, and enforce a program for the conservation of energy in commercial, industrial, and residential facilities, which program shall provide for the evaluation of energy systems as they relate to lighting, heating, refrigeration, air-conditioning, building design and operation, elective cogeneration and process steam production associated with cogeneration facilities, and appliance manufacturing and operation; and may include, but shall not be limited to, the requiring of an annual inspection and adjustment, if necessary, of oil-fired heating systems in residential, commercial and industrial buildings so as to bring such systems into conformity with efficiency standards therefor prescribed by the department; the setting of lighting efficiency standards for public buildings; the establishment of mandatory thermostat settings and the use of seven-day, day-night thermostats in public buildings; the development of standards for efficient boiler operation; consider the establishment of cogeneration facilities to simultaneously produce electricity and steam to conserve fuel; and, the preparation of a plan to insure the phased retrofitting of existing gas furnaces with electric ignition systems and to require that new gas ranges and dryers be equipped with electric ignition systems, and new gas furnaces with electric ignition systems and automatic vent-dampers;

h. Conduct and supervise a State-wide program of education including the preparation and distribution of information relating to energy conservation;

i. Monitor prices charged for energy within the State, evaluate policies governing the establishment of rates and prices for energy, and make recommendations for necessary changes in such policies to other concerned Federal and State agencies, including the Board of Public Utilities, and to the Legislature;

j. Have authority to conduct and supervise research projects and programs for the purpose of increasing the efficiency of energy

use, developing new sources of energy, evaluating energy conservation measures, and meeting other goals consistent with the intent of this act;

k. Have authority to distribute and expend funds made available for the purpose of research projects and programs;

l. Have authority to enter into interstate compacts in order to carry out energy research and planning with other states or the Federal Government where appropriate;

m. Have authority to apply for, accept, and expand grants-in-aid and assistance from private and public sources for energy programs; notwithstanding any other law to the contrary, the commissioner is designated as the State official to apply for, receive, and expend Federal and other funding made available to the State for the purposes of this act;

n. Require the annual submission of energy utilization reports and conservation plans by State Government departments and agencies, including the Board of Public Utilities, evaluate said plans and the progress of the departments and agencies in meeting these plans, and order changes in the plans or improvement in meeting the goals of the plans;

o. Carry out all duties given him under other sections of this act or any other acts;

p. Have authority to conduct hearings and investigations in order to carry out the purposes of this act and to issue subpenas in furtherance of such power. Said power to conduct investigations shall include, but not be limited to, the authority to enter without delay and at reasonable times the premises of any energy industry in order to obtain or verify any information necessary for carrying out the purposes of this act;

q. Have authority to adopt, amend or repeal, pursuant to the "Administrative Procedure Act" (C. 52:14B–1 et seq.) such rules and regulations necessary and proper to carry out the purposes of this act;

r. Administer such Federal energy regulations as are applicable to the states, including, but not limited to, the mandatory petroleum allocation regulations and State energy conservation plans.

s. Have authority to sue and be sued;

t. Have authority to acquire by purchase, grant, contract or eminent domain title to real property for the purpose of demonstrating facilities which improve the efficiency of energy use, conserve energy or generate energy in new and efficient ways;

u. Have authority to construct and operate, on an experimental or demonstration basis, facilities which improve the efficiency of energy use, conserve energy or generate power in new and efficient ways;

v. Have authority to contract with any other public agency or corporation incorporated under the laws of this or any other state for the performance of any function under this act;

w. Determine the effect of energy and fuel shortages upon consumers, and formulate proposals designed to encourage the lowest possible cost of energy and fuels consumed in the State consistent with the conservation and efficient use of energy;

x. Keep complete and accurate minutes of all hearings held before the commissioner or any member of the Division of Energy Planning and Conservation pursuant to the provisions of this act. All such minutes shall be retained in a permanent record and shall be available for public inspection at all times during the office hours of the department.

3. (New section) The commissioner shall, through the Division of Energy Planning and Conservation, within 180 days of the effective date of this amendatory and supplementry act prepare or cause to be prepared a study evaluating a. alternative ownership patterns for cogeneration facilities including but not limited to industrial ownership, utility ownership, governmental ownership, joint ownership, and third party ownership; and b. financial incentive which would encourage such ownership patterns.

4. This act shall take effect immediately.

Approved July 13, 1978.

CHAPTER 81

AN ACT providing that the directors of municipal free public libraries in certain municipalities of the first class having a population of not less than 350,000 inhabitants shall be in the unclassified service of the civil service, amending R. S. 11:22–2 and supplementing Title 11 of the Revised Statutes.

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

1. R. S. 11:22–2 is amended to read as follows:

Persons included; not subject to provisions of subtitle.

11:22–2. The unclassified service shall not be subject to the provisions of this subtitle and shall include the following:

a. Officers elected by popular vote;

b. Members of district boards of elections; employees in voting machine departments and the chief deputy, chief clerk, secretary, clerical and other assistants or employees appointed by the superintendents of elections and commissioners of registration in counties of the first class having less than 800,000 inhabitants, and by the county boards of elections in all other counties and such of said officers, assistants and employees as are appointed by superintendents of elections in counties of the first class having more than 800,000 inhabitants to serve for terms of 6 months or less in any 1 year;

c. Appointments of the mayor;

d. Heads of municipal departments, the members of commissions and boards elected by the board of aldermen, common council or other governing body of any county, municipality or school district operating under this subtitle;

e. Heads of such county departments as are created by the administrative code of any county organized pursuant to any of the plans contained in the "Optional County Charter Law," P. L. 1972, c. 154 (C. 40:41A–1 et seq.), which departments shall not exceed 12 in number, and the heads of any divisions within such departments; provided, however, that the total number of positions created pursuant to this subsection by the administrative code shall not exceed 20 in number;

f. Law officers of a county, municipality or school district operating under this subtitle;

g. Teaching staff members, as defined in N. J. S. 18A:1–1, in the public schools and county superintendents and members and business managers of boards of education;

h. Police magistrates appointed by the mayor or other head officer of the municipality operating under this subtitle;

i. Officers and employees of county park commissioners in counties of the second class appointed under the provisions of sections 40:37–96 to 40:37–174 of the Title, Municipalities and Counties;

j. The superintendent of a county hospital for persons suffering from communicable diseases appointed under the provisions of R. S. 30:9–61 and 30:9–69; and

k. The deputy or first assistant of principal executive officers authorized by law to act generally for and in place of his principal;

l. The legal assistants of the law department of the counties, municipalities or school districts operating under this subtitle except as herein otherwise provided;

m. One secretary, clerk or executive director of each department, appointed board or commission authorized by law to appoint a secretary, clerk or executive director;

n. One secretary or confidential aide, if so provided in the administrative code of any county organized pursuant to any of the plans contained in the Optional County Charter Law, to be appointed by each head of any county department or of any designated division within such department, when the head of any such division is an unclassified position;

o. One private secretary or clerk or stenographer of each judge or principal executive officer;

p. All officials of county or municipal institutions who must of necessity be physicians;

q. Offices or positions whose incumbents by specific statute serve for fixed terms, or whose incumbents by specific statute serve at the pleasure of the appointing authority;

r. One council secretary to the municipal council appointed by the council in any city of the first class with a population of less than 300,000;

s. All directors of municipal free public libraries in cities of the first class having a population of not less than 350,000 inhabitants; and

t. Such other officers and positions not now included in the unclassified service by this section or by any other statute, as the Civil Service Commission shall, from time to time, determine, according to law, to be in the unclassified service.

. 11:22-2.1 Director of municipal free library in first class city; qualifications.

2. (New section) Any person appointed as a director of a municipal free public library in a city of the first class having a population of not less than 350,000 inhabitants shall be a graduate of an accredited university or college and shall, prior to his appointment, have graduated from a school of library service accredited by the American Library Association, and have had at least 4 years of library experience in a responsible administrative capacity.

3. This act shall take effect immediately.

Approved July 19, 1978.

CHAPTER 82

AN ACT to amend "An act for the uniform control and licensing of dogs and kennels to aid in preventing the spread of rabies, and repealing sections 4:19–10, 4:19–11, 4:19–12, 4:19–13, 4:19–14, 4:19–15, 40:52–5 and 40:52–6 of the Revised Statutes," approved May 24, 1941 (P. L. 1941, c. 151).

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

1. Section 1 of P. L. 1941, c. 151 (C. 4:19–15.1) is amended to read as follows:

C. 4:19-15.1 Definitions.

1. "Dog" shall mean any dog, bitch or spayed bitch.

"Dog of licensing age" shall mean any dog which has attained the age of 7 months or which possesses a set of permanent teeth.

"Kennel" shall mean any establishment wherein or whereon the business of boarding or selling dogs or breeding dogs for sale is carried on, except a pet shop.

"Pet shop" shall mean any room or group of rooms, cage or exhibition pen, not part of a kennel, wherein dogs for sale are kept or displayed.

"Pound" shall mean an establishment for the confinement of dogs seized either under the provisions of this act or otherwise.

"Shelter" shall mean any establishment where dogs are received housed and distributed.

"Owner" when applied to the proprietorship of a dog shall include every person having a right of property in such dog and every person who has such dog in his keeping,

2. This act shall take effect immediately.

Approved July 19, 1978.

CHAPTER 83

AN ACT concerning the provision of and payment for medical services, and establishing a hospital rate setting commission, and amending and supplementing P. L. 1971, c. 136 and P. L. 1938, c. 366.

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

1. Section 1 of P. L. 1971, c. 136 (C. 26:2H–1) is amended to read as follows:

C. 26:2H-1 Declaration of policy.

1. It is hereby declared to be the public policy of the State that hospital and related health care services of the highest quality, of demonstrated need, efficiently provided and properly utilized at a reasonable cost are of vital concern to the public health. In order to provide for the protection and promotion of the health of the inhabitants of the State promote the financial solvency of hospitals and similar health care facilities and contain the rising cost of health care services, the State Department of Health, which has been designated as the sole agency in this State for comprehensive health planning under the "National Health Planning and Resources Development Act of 1974" (Federal Law 93–641), as amended and supplemented, shall have the central, comprehensive responsibility for the development and administration of the State's policy with respect to health planning, hospital and related health care services and health care facility cost containment programs, and all public and private institutions, whether State, county, municipal, incorporated or not incorporated, serving principally as boarding, nursing or maternity homes or other homes for the sheltered care of adult persons or as facilities for the prevention, diagnosis, or treatment of human disease, pain, injury, deformity or physical condition, shall be subject to the provisions of this act.

2. Section 2 of P. L. 1971, c. 136 (C. 26:2H–2) is amended to read as follows:

. 26:2H-2 Definitions.

2. The following words or phrases, as used in this act, shall have the following meanings, unless the context otherwise requires:

a. "Health care facility" means the facility or institution whether public or private, engaged principally in providing services for health maintenance organizations, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, including, but not limited to, a general hospital, special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, intermediate care facility, tuberculosis hospital, chronic disease hospital, maternity hospital, outpatient clinic, dispensary, home health care agency, boarding home or other home for the sheltered care of adult persons and bioanalytical laboratory or central services facility serving one or more such institutions but excluding institutions that provide healing solely by prayer.

b. "Health care service" means the preadmission, outpatient, inpatient and postdischarge care provided in or by a health care facility, and such other items or services as are necessary for such care, which are provided by or under the supervision of a physician for the purpose of health maintenance organizations, diagnosis or treatment of human disease, pain, injury, disability, deformity or physical condition, including, but not limited to, nursing service, home care nursing and other paramedical service, ambulance service, service provided by an intern, resident in training or physician whose compensation is provided through agreement with a health care facility, laboratory service, medical social service, drugs, biologicals, supplies, appliances, equipment, bed and board, but excluding services provided by a physician in his private practice or by practitioners of healing solely by prayer, and services provided by volunteer first aid, rescue and ambulance squads as defined in the "New Jersey Highway Safety Act of 1971," P. L. 1971, c. 351.

c. "Construction" means the erection, building, or substantial acquisition, alteration, reconstruction, improvement, renovation extension or modification of a health care facility, including its equipment, the inspection and supervision thereof; and the studies surveys, designs, plans, working drawings, specifications, procedures, and other actions necessary thereto.

d. "Board" means the Health Care Administration Board established pursuant to this act.

e. "Commission" means the Hospital Rate Setting Commission established pursuant to this act.

f. "Government agency" means a department, board, bureau division office, agency, public benefit or other corporation, or any

other unit, however described, of the State or political subdivision thereof.

g. "Statewide Health Coordinating Council" means the Statewide health Coordinating Council formed under the provisions of Federal Law 93–641, as amended and supplemented.

h. "Health Systems Agency" means an officially recognized health systems agency formed under the provisions of Federal Law 93–641 as amended and supplemented.

i. "Department" means the State Department of Health.

j. "Commissioner" means the State Commissioner of Health.

k. "Preliminary cost base" means that proportion of a hospital's current costs which may reasonably be required to be reimbursed to a properly utilized hospital for the efficient and effective delivery of appropriate and necessary health care services of high quality required by such hospital's mix of patients. The preliminary cost base initially may include costs identified by the commissioner and approved or adjusted by the commission as being in excess of that proportion of a hospital's current costs identified above, which excess costs shall be eliminated in a timely and reasonable manner prior to certification of the revenue base. The preliminary cost base shall be established in accordance with regulations proposed by the commissioner and approved by the board.

l. "Certified revenue base" means the preliminary cost base adjusted by the commission, as appropriate and necessary pursuant to regulations proposed by the commissioner and approved by the board, to provide for the financial solvency of a hospital which is properly utilized and which delivers, effectively and efficiently, appropriate and necessary health care services of a high quality required by its mix of patients.

m. "Provider of health care" means an individual (1) who is a direct provider of health care service in that the individual's primary activity is the provision of health care services to individuals or the administration of health care facilities in which such care is provided and, when required by State law, the individual has received professional training in the provisions of such services or in such administration and is licensed or certified for such provision or administration; or (2) who is an indirect provider of health care in that the individual (a) holds a fiduciary position with, or has a fiduciary interest in, any entity described in subparagraph a (ii) or subparagraph b (iv); provided, however, that a member of the governing body of a county or any elected official shall not be deemed to be a provider of health care unless he is a member of the

board of trustees of a health care facility or a member of a board, committee or body with authority similar to that of a board of trustees, or unless he participates in the direct administration of a health care facility; or (b) received, either directly or through his spouse, more than one-tenth of his gross annual income for any one or more of the following:

(i) Fees or other compensation for research into or instruction in the provision of health care services;

(ii) Entities engaged in the provision of health care services or in research or instruction in the provision of health care services;

(iii) Producing or supplying drugs or other articles for individuals or entities for use in the provision of or in research into or instruction in the provision of health care services;

(iv) Entities engaged in producing drugs or such other articles.

n. "Private long-term health care facility" means a nursing home, skilled nursing home or intermediate care facility presently in operation and licensed as such prior to the adoption of the 1967 Life Safety Code by the State Department of Health in 1972 and which has a maximum 50-bed capacity and which does not accommodate Medicare or Medicaid patients.

3. Section 3 of P. L. 1971, c. 136 (C. 26:2H–3) is amended to read as follows:

C. 26:2H-3 Recommending agencies.

3. The commissioner shall recognize the Statewide Health Coordinating Council and the Health Systems Agencies as the recommending agencies in carrying out the purpose of this act and those functions prescribed to these agencies by Federal law 93–641.

4. Section 4 of P. L. 1971, c. 136 (C. 26:2H–4) is amended to read as follows:

C. 26:2H-4 Health care administration board; membership; appointment; terms; vacancies; meetings; compensation.

4. There shall be in the State Department of Health, a Health Care Administration Board which shall consist of 13 members, 11 of whom shall be appointed by the Governor with the advice and consent of the Senate, and representative of medical and health care facilities and services, labor, industry and the public at large and two of whom shall be ex-officio members. Of the 11 members appointed by the Governor, no less than six shall be consumers of health care services who are not providers of health care ser

vices. The State Commissioner of Health and the Commissioner of Insurance or their designated representatives, shall be ex-officio voting members of the board and shall serve on the board during their respective terms of office. Of the original members appointed to the board, four shall be appointed for terms of 3 years, four for terms of 2 years, and three for terms of 1 year. Following the expiration of the initial terms, members of the board shall be appointed for terms of 4 years. Any vacancy occurring in the membership of the board shall be filled in the same manner as the original appointment, but for the unexpired term only. Appointive members of the board shall continue to serve as voting members until their successors are appointed. The board shall meet at least quarterly and at such other times as its rules may prescribe or as in its judgment, may be necessary. The appointive members of the board shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties.

Members serving on the board on the effective date of this act shall continue to serve until the expiration of their terms. Successors shall be appointed only from among consumers of health care services who are not providers of such services until there are at least six such members on the board. Successors shall thereafter be appointed from among both consumers and providers of health care services in a manner consistent with the terms of this act.

C. 26:2H-4.1 Hospital rate setting commission; membership; appointment; quorum; compensation; removal; vacancies; powers and duties.

5. (New section)

a. There is hereby established in the State Department of Health a Hospital Rate Setting Commission which shall consist of five members, three of whom shall be appointed by the Governor with the advice and consent of the Senate for terms of 4 years. Of the initial appointees, one shall serve for a term of 2 years and one for a term of 3 years. No member shall be eligible for appointment for more than two full consecutive terms. Two of the members appointed by the Governor shall be consumers of health care services who are not providers of health care services, and one shall have experience in hospital administration or finance. The Commissioners of the State Departments of Health and Insurance or their designated representatives, who shall be officials with the rank of deputy or assistant commissioner, shall serve as ex-officio voting members of the commission. The commission shall annually elect a chairman from among its members. Three members of the commission shall constitute a quorum and no action of the com-

mission shall be taken except upon the affirmative vote of a majority of its members.

The appointed members of the commission shall each receive compensation at $150.00 per day. The commission members shall also be entitled to reasonable expenses incurred in the performance of their duties. Any such member may be removed from office by the Governor, for good cause shown. Any vacancy occurring in the membership of the commission for any cause shall be filled in the same manner as the original appointment but for the unexpired term only. A member shall otherwise continue to serve after expiration of his term until a new appointment is made.

The commission shall select an executive secretary and the commissioner shall provide to the commission such clerical staff, supplies and equipment as may be necessary for it to faithfully discharge its duties.

The commission shall be established and its members appointed by January 1, 1979.

b. The commissioner shall determine the order in which hospitals shall have their preliminary cost base and appropriate schedule of rates approved by the commission. The commissioner shall propose and the commission approve or adjust the preliminary cost base, and the commission shall approve an appropriate schedule of rates for all hospitals by January 1, 1983. The schedule of rates shall be reasonable and sufficient to provide the revenue requirements of the preliminary cost base and shall be adjusted from time to time, as appropriate, to reach the certified revenue base.

The commission shall certify the revenue base, provided the conditions described in subsections k. and l. of section 2 of this act have been met, and shall perform such other duties as are specified elsewhere in this act.

A hospital shall continue to be reimbursed under the rate setting system in effect on the day preceding the effective date of this act except as said system is amended by regulation, until the commission approves the hospital's preliminary cost base.

6. Section 9 of P. L. 1971, c. 136 (C. 26:2H-9) is amended to read as follows:

C. 26:2H-9 Issuance of certificate of need.

9. Certificates of need shall be issued by the commissioner in accordance with the provisions of this act and based upon criteria and standards therefor promulgated by the commissioner. The

commissioner shall establish minimum requirements and maximum needs for health care facilities in each area or region of the State, taking into consideration the recommendations of the health systems agencies and the Statewide Health Coordinating Council.

No such certificate shall be denied without the approval of the board and prior to the determination by the board, the applicant shall have been granted opportunity for hearing and the commissioner or his designee shall have furnished the board in writing his recommendations and reasons therefor; and no decision shall be made by the commissioner contrary to the recommendations of the Statewide Health Coordinating Council or the Health Systems Agency concerning a certificate of need application or any other matter, unless the council and the Health Systems Agency and the applicant shall have been granted opportunity for hearing. Requests for a fair hearing shall be made to the Department of Health within 30 days of receipt of notification of the commissioner's action. The department shall arrange within 60 days of a request, for fair hearings on all such cases and after such hearing the commissioner or his designee shall furnish the board, the council, the Health Systems Agency and the applicant in writing the hearing examiner's recommendations and reasons therefor. The board within 30 days of receiving all appropriate hearing records or, in the absence of a request for a hearing within 30 days of receiving the denial recommendations of the commissioner, shall make its determination.

7. Section 10 of P. L. 1971, c. 136 (C. 26:2H–10) is amended to read as follows:

C. 26:2H-10 Application for certificate of need; fee.

10. Application for a certificate of need shall be made to the department, and shall be in such form and contain such information as the department may prescribe. The department shall charge a nonreturnable fee of not more than $1,000.00 for the filing of an application for a certificate of need as it shall from time to time fix in rules or regulations. Upon receipt of an application, copies thereof shall be referred by the department to the appropriate planning agencies or council for review.

These appropriate agencies and council shall provide adequate mechanisms for full consideration of each application submitted to them and for developing recommendations thereon. Such recommendations, whether favorable or unfavorable, shall be forwarded to the commissioner within 90 days of the date of referral of the

application. A copy of the recommendations made shall be forwarded to the applicant.

Recommendations concerning certificates of need shall be governed and based upon the principles and considerations set forth in section 8 hereof.

No member, officer or employee of any planning body shall be subject to civil action in any court as the result of any act done or failure to act, or of any statement made or opinion given, while discharging his duties under this act as such member, officer, or employee, provided he acted in good faith with reasonable care and upon proper cause.

8. Section 12 of P. L. 1971, c. 136 (C. 26:2H–12) is amended to read as follows:

C. 26:2H-12 Operational requirements for health care facility; application for license; fee.

12. a. No health care facility shall be operated unless it shall: (1) possess a valid license issued pursuant to this act, which license shall specify the kind or kinds of health care services the facility is authorized to provide; (2) establish and maintain a uniform system of cost accounting approved by the commissioner; (3) establish and maintain a uniform system of reports and audits meeting the requirements of the commissioner; (4) prepare and review annually a long range plan for the provision of health care services, which plan shall be compatible with the State Health Plan established pursuant to the "National Health Planning and Resources Development Act of 1974" (Federal Law 93–641) as related to medical health services, health care services, and health manpower; and (5) establish and maintain a centralized, coordinated system of discharge planning which assures every patient a planned program of continuing care and which meets the requirements of the commissioner which requirements shall, where feasible, equal or exceed those standards and regulations established by the Federal Government for all federally-funded health care facilities but shall not require any person who is not in receipt of State or Federal assistance to be discharged against his will.

b. (1) Application for a license for a health care facility shall be made upon forms prescribed by the department. The department shall charge such nonrefundable fees for the filing of an application for a license and any renewal thereof, as it shall from time to time fix in rules or regulations; provided, however, tha

no such fee shall exceed $2,000.00. The application shall contain the name of the health care facility, the kind or kinds of health care service to be provided, the location and physical description of the institution, and such other information as the department may require. (2) A license shall be issued by the department upon its findings that the premises, equipment, personnel, including principals and management, finances, rules and bylaws, and standards of health care service are fit and adequate and there is reasonable assurance the health care facility will be operated in the manner required by this act and rules and regulations thereunder.

c. A license issued before the effective date of this act to a health care facility for its operation, upon the first renewal date thereafter, may be extended for a 1 year period of time, provided the facility then meets the requirements for licensure at the time said license was issued and submits an acceptable plan to meet current requirements at the end of said period of time.

9. Section 14 of P. L. 1971, c. 136 (C. 26:2H–14) is amended to read as follows:

C. 26:2H-14 Violations; penalties.

14. Any person, firm, partnership, corporation or association who shall operate or conduct a health care facility without first obtaining the license required by this act, or who shall operate such health care facility after revocation or suspension of license, shall be liable to a penalty of not more than $250.00 as provided for by regulation for each day of operation in violation hereof for the first offense and for any subsequent offense. Any person, firm, partnership, corporation or association who shall be found guilty of violating any rule or regulation adopted in accordance with this act as the same pertains to the care of patients and neglects to rectify same within 7 days after receiving notice from the department of such violation or who neglects to commence, within 7 days, such repairs to his licensed establishment after receiving notice from the department that hazardous or unsafe condition exists in or upon the structure in which the licensed premises is maintained shall be subject to a penalty of not more than $250.00 as provided for by regulation for each day that he is in violation of such rule or regulation. Upon notification to the facility of such violations as pertain to the care of patients or to the hazardous or unsafe condition existing in or upon the structure in which the licensed facility is maintained, the commissioner shall allow the facility 72

hours in which to correct any such violation and if at the end of such period the violation is not corrected and it poses an imminent threat to the health, safety or welfare of the public or of the residents of the facility, he may, in his discretion, summarily suspend the license of the facility without a hearing and may order immediate correction of such violation as a prerequisite of reinstatement of licensure. If a licensee that is subjected to summary suspension shall deny that a violation exists or has occurred, he shall have the right to apply to the commissioner for a hearing. Such hearing shall be held and a decision rendered within 48 hours of receipt of said request. If the commissioner shall rule against the licensee, the licensee shall have the right to apply for injunctive relief against the commissioner's order. Jurisdiction of such injunctive relief shall be in the Superior Court of New Jersey. Nothing herein shall be construed to prevent the commissioner from thereafter suspending or revoking the license in accordance with the procedure set forth in section 13. If, within 1 year after such violation such person, firm, partnership, corporation or association is found guilty of the same violation such penalties as hereinbefore set forth shall be doubled, and if there be a third violation within such time, such penalties shall be tripled. In addition thereto the department may, in its discretion, suspend the license for such time as it may deem proper or revoke said license.

Any person, firm, partnership, corporation or association who shall, except in cases of an emergency, maintain more patients in his premises than he is licensed so to do, shall be subject to a penalty, in accordance with the procedure set forth in section 13. in an amount equal to the daily charge collected from such patient or patients plus $25.00 for each day each extra patient is so maintained.

10. Section 18 of P. L. 1971, c. 136 (C. 26:2H–18) is amended to read as follows:

C. 26:2H-18 Payment by government agencies, hospital service corporation and other purchasers of health care services; schedule of rates approval.

18. a. No government agency and no hospital service corporation organized under the laws of the State and no other purchasers of health care services shall purchase, pay for or make reimbursement or grant-in-aid for any health care service provided by a health care facility unless at the time the service was provided, the health care facility possessed a valid license or was otherwise authorized to provide such service.

b. Payment by government agencies other than those made through the Medical Assistance and Health Services Act P. L. 1968, c. 413 (C. 30:4D–1 et seq.), and payment by hospital service corporations organized under the laws of this State for health care services provided by a hospital shall be at reasonable rates approved by the commission as provided for by regulations proposed by the commissioner and approved by the board.

The schedule of rates shall be reasonable and sufficient to provide the revenue requirements of the certified revenue base of a hospital, considering the health care system as a whole and based on financial elements approved by the commissioner. Nothing herein shall be construed to prohibit the Commissioner of Human Services from contracting with the Commissioner of Health for the commission to approve rates, on behalf of the Commissioner of Health, by which hospitals are reimbursed pursuant to the Medical Assistance and Health Services Act, P. L. 1968, c. 413 (C. 30:4D–1 et seq.). Rates of payment by hospital service corporations organized under the law of this State for health care services provided by a hospital shall be set by the commission. Payment by all other purchasers of health care services provided by a hospital shall be at reasonable rates approved by the commission as provided in this act. All payment rates shall be equitable for each payor or class of payors without discrimination or individual preference except for quantifiable economic benefits rendered to the institution or to the health care delivery system taken as a whole. In addition to other such benefits which the commission may consider, it shall consider the following, if found to be quantifiable: (1) degree of promptness and volume of payments to hospitals so that hospitals are provided with funds for current financing of their services; and (2) broad provision of health insurance coverages which are not otherwise affordable or obtainable at premium rates which are not self-supporting. In determining the quantifiable economic benefits to which consideration shall be given in approving payment rates, the commission may consider overall financial benefits to society which are provided by programs offered by a payor or class of payors.

c. Payment by government agencies other than those made through the Medical Assistance and Health Services Act, P. L. 1968, c. 413 (C. 30:4D–1 et seq.), and payment by hospital service corporations organized under the laws of this State for health services provided by health care facilities other than hospitals shall be at reasonable rates set by the commissioner based on financial

elements approved by him; provided, however, that nothing herein shall be construed to prohibit the Commissioner of Human Services from contracting with the commissioner for the setting of rates by which health care facilities other than hospitals are reimbursed pursuant to the Medical Assistance and Health Services Act, P. L. 1968, c. 413 (C. 30:4D-1 et seq.). Rates of payment by hospital service corporations organized under the laws of this State for health care services provided by a health care facility other than hospitals shall be set in consultation with the Commissioner of Insurance.

d. The financial elements of the preliminary cost base and of the certified revenue base shall include the reasonable cost of the following, as defined in regulations proposed by the commissioner and approved by the board: direct patient care; principal and interest payments; paid taxes, excluding income taxes; educational, research and training programs, not otherwise paid for by the State; the provision of health care services to individuals unable to pay for them for reasons of indigency; bad debts, provided adequate recovery procedures are followed; preservation, replacement and improvement of facility and equipment subject to appropriate planning requirements; and reasonable working capital. Said financial elements may include, where applicable and appropriate, a reasonable return on investment where a hospital is operating efficiently and effectively. In determining proposed payments to hospitals, the commissioner shall take into account a facility's income from all sources, including specific purpose grants and other funds from governmental sources, but excluding income and principal from board or donor restricted funds, gifts and special fund-raising projects.

To establish and maintain a fair and equitable system for determining such payments, the commissioner shall require each health care facility to report such financial, statistical and patient information as may be required, in accordance with a uniform system of reporting established by him. The commissioner may propose regulations for approval by the board which assess penalties for failure to report such information within such time as may be prescribed therein.

C. 26:2H-18.1 Determinations and hearings; regulations.

11. (New section)

a. The commission shall make the determinations and hear appeals provided for in this act in a timely manner pursuant t

regulations proposed by the commissioner and approved by the board. Such regulations shall be presented to the Standing Legislative Committees on Institutions, Health and Welfare for final approval within 1 year following establishment of the commission pursuant to the provisions of this act, and shall remain in effect in the form proposed by the commissioner and approved by the board until the provisions of such regulations are enacted into law as amendments to this act. Such regulations shall require that in the event the commission does not perform its duties within the time period specified therein the commission may permit a hospital to make a temporary reasonable change in rates which shall be effective immediately, when it deems it in the public interest to do so. Notwithstanding such temporary change in rates, the review procedure set forth in this section shall be conducted by the commission as soon thereafter as is possible.

b. Pursuant to regulations proposed by the commissioner and approved by the board, the commissioner shall propose and the commission shall make automatic periodic adjustments to each preliminary cost base or certified revenue base for changes in economic factors reasonably calculated to provide for the effects of general economic inflation or deflation; for industrywide changes in the efficiency of delivering health care services; and for each hospital's actual changes in volume and case-mix, which are necessary and appropriate. The commission shall approve an appropriate change in the schedule of rates to reflect these adjustments.

c. Pursuant to regulations proposed by the commissioner and approved by the board, the commission shall consider adjustments to the certified revenue bases and schedules of rates, provided such adjustments: (1) result from statutes and regulations affecting the delivery of health care; and (2) may affect one or more hospitals. Such adjustments shall take into account the effectiveness and efficiency of the health care delivery system as a whole. Where appropriate the commission may sit en banc and hold public hearings in order to obtain the evidence required to support its conclusions and determinations. In the case of such hearings the commission shall provide actual notice to the affected planning and licensing authorities and hospitals, and to the commissioner and the Public Advocate.

d. Pursuant to regulations proposed by the commissioner and approved by the board, all other changes in the commission's determinations shall require a review by the commission in a public

hearing of the entire preliminary cost base or certified revenue base and schedule of rates. Determinations of the commission may be appealed by hospitals, the commissioner, the Public Advocate, affected planning, licensing or inspection agencies and payors, and other affected parties, and shall be conducted as contested proceedings under the Administrative Procedures Act, P. L. 1968, c. 410 (C. 52:14B–1 et seq.). During the pendency of any appeal, the schedule of rates approved by the commission pursuant to sections 5 and 10 of this act shall remain in effect.

In all appeals, the burden of proof shall be on the petitioner. All determinations rendered hereunder shall be consistent with regulations and shall set forth in detail the commission's reasoning and conclusions regarding the parties and considerations specified in this act.

12. Section 7 of P. L. 1938, c. 366 (C. 17:48–7) is amended to read as follows:

C. 17:48-7 Health care facilities eligible for contracts; approval of rates of payment.

7. Any hospital service corporation may enter into contracts with health care facilities for the rendering of health care services to any of its subscribers only with licensed health care facilities.

Rates of payment by such hospital service corporation shall be approved as to reasonableness by the Hospital Rate Setting Commission pursuant to section 18 of the Health Care Facilities Planning Act (P. L. 1971, c. 136). The maximum rate of payment to eligible hospitals and institutions not under contract with such hospital service corporation shall not exceed the particular hospital's or institution's regular charges to the general public for the same services and shall be set forth in the certificate issued by such hospital service corporation to any subscriber. The basis and extent of payment, if any, by such hospital service corporation under agreement with nonprofit hospital service plans of other states shall be subject to the approval of the Commissioner of Insurance.

C. 26:2H-18.2 Annual fees.

13. (New section)

The Department of Health, to effectuate the provisions and purposes of sections 10 and 11 of this act and to support the functions described therein, may charge health care facilities such reasonable annual fees as shall be provided by law.

C. 26:2H-18.3 Reports to Governor and Legislature.

14. (New section)

The commissioner and the commission shall each submit a report to the Governor and the Legislature at least once each year. The reports shall include a summary of the activities of the Department of Health and the commission pursuant to the provisions of this act, and any recommendations or suggestions for legislative consideration.

The Legislature, through the Senate and General Assembly Standing Committees on Institutions, Health and Welfare shall review, on a continuous basis, the development, administration and operation of the programs provided for in this act. To facilitate this review and oversight, the commissioner shall submit to the committees the report required above, and shall consult with the committees concerning the preparation of regulations to implement the provisions of this act.

15. This act shall take effect immediately.

Approved July 20, 1978.

CHAPTER 84

AN ACT concerning the courts, authorizing the appointment of certain personnel and amending N. J. S. 2A:2–7.

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

1. N. J. S. 2A:2–7 is amended to read as follows:

Deputy clerks; appointment.

2A:2–7. The Supreme Court shall appoint, to serve at its pleasure, and shall fix the salaries of two deputy clerks of the Superior Court, one of whom shall be clerk of the Appellate Division of the Superior Court and each of whom shall not be subject to the provisions of Title 11, Civil Service, of the Revised Statutes. The clerk of the Superior Court shall select and employ such other necessary assistants for his office in accordance with the provisions of Title 11 of the Revised Statutes.

2. This act shall take effect immediately.

Approved July 27, 1978.

CHAPTER 85

AN ACT concerning municipal courts and amending N. J. S. 2A:8–6.

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

1. N. J. S. 2A:8–6 is amended to read as follows:

Additional judges.

2A:8–6. In every municipality having in 1948 or thereafter a population of more than 200,000, the governing body of such municipality may provide for the appointment, as the need may appear, of not more than five additional judges of a municipal court of such municipality; the governing body of every municipality having a population between 75,000 and 85,000, located in a county of the first class may provide for the appointment of two additional judges of the municipal court of such municipality; and, the governing body of every municipality having a population between 55,000 and 75,000, located in a county of the first class, may provide for the appointment of one additional judge of the municipal court of such municipality.

2. This act shall take effect immediately.

Approved July 27, 1978.

CHAPTER 86

AN ACT to amend the title of "An act authorizing certain counties to provide for public transportation services and the operation thereof, and supplementing subtitle 2 of Title 40 of the Revised Statutes," approved May 5, 1975 (P. L. 1975, c. 83), so that the same shall read "An act authorizing counties to provide for public transportation services and the operation thereof, and supplementing subtitle 2 of Title 40 of the Revised Statutes," and to amend the body of said act.

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

Title amended.

1. The title of P. L. 1975, c. 83 is amended to read as follows: An act authorizing counties to provide for public transportation services and the operation thereof, and supplementing subtitle 2 of Title 40 of the Revised Statutes.

2. Section 1 of P. L. 1975, c. 83 (C. 40:35A–1) is amended to read as follows:

C. 40:35A-1 Establishment and operation of public transportation system; powers of governing body.

1. The governing body of any county may by resolution or ordinance, as the case may be, provide for the establishment of a public transportation service and the operation of a public transportation system within the county and to the extent that it is agreeable and deemed advisable, between the county and municipalities within adjoining counties. The governing body may acquire, erect or lease such vehicles, equipment and facilities, including land and buildings, and do any and all things necessary for the establishment and operation of the public transportation service and system.

3. This act shall take effect immediately.

Approved July 27, 1978.

CHAPTER 87

AN ACT concerning the Administrative Office of the Courts and amending N. J. S. 2A:12–5.

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

1. N. J. S. 2A:12–5 is amended to read as follows:

Annual report to Chief Justice.

2A:12–5. The director shall submit annually as of August 31 to the Chief Justice, a report of the activities of the administrative office of the courts together with his recommendations.

2. This act shall take effect immediately.

Approved July 27, 1978.

CHAPTER 88

AN ACT concerning terms of employment and salaries of the Clerks of the Supreme and Superior Courts and amending N. J. S. 2A:1-2 and N. J. S. 2A:2-3.

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

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

Clerk of Supreme Court; appointment; salary.

2A:1-2. The Supreme Court shall appoint, to serve at its pleasure, and shall fix the salary of the Clerk of the Supreme Court, who shall not be subject to the provisions of Title 11, Civil Service, of the Revised Statutes.

2. N. J. S. 2A:2-3 is amended to read as follows:

Clerk of Superior Court; appointment; salary.

2A:2-3. The Supreme Court shall appoint, to serve at its pleasure, and shall fix the salary of the Clerk of the Superior Court, who shall not be subject to the provisions of Title 11, Civil Service, of the Revised Statutes.

3. This act shall take effect immediately, however, section 2 shall not be applicable to any appointment made prior to its effective date. Any such appointment shall continue for the full term of 5 years formerly provided for by law.

Approved July 27, 1978.

CHAPTER 89

AN ACT to validate certain proceedings for the issuance of bonds for school purposes by municipalities and any bonds or other obligations issued or to be issued pursuant to such proceedings

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

Validating act.

1. All proceedings heretofore had or taken by any municipality or by any officials thereof for or in connection with the authorization or issuance of bonds or notes of the municipality for school pur

poses and any ordinance with respect to such bonds or notes heretofore adopted and any bonds or notes of the municipality issued or to be issued in pursuance of such proceedings or ordinance are hereby ratified, validated and confirmed notwithstanding that no supplemental debt statement or complete executed original thereof was filed in the office of the Director of the Division of Local Government Services, in the Department of Community Affairs prior to passage on first reading of said ordinance as required by N. J. S. 18A:24–16 and 18A:24–17; provided, however, that such supplemental debt statement was prepared, sworn to and filed in the office of the clerk of the municipality prior to passage on first reading of said ordinance and in the office of said director prior to final passage of said ordinance, and provided further, that no action, suit or other proceeding of any nature to contest the validity of such proceedings has heretofore been instituted prior to the date on which this act takes effect and within the time fixed therefor by or pursuant to law or rule of court, or when such time has not heretofore expired, is instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved July 27, 1978.

CHAPTER 90

AN ACT concerning the transfer of State funds and amending R. S. 52:18–20.

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

1. R. S. 52:18–20 is amended to read as follows:

State moneys deposited by treasurer or to his credit; written authorization to draw.

52:18–20. Except as provided by section 52:19–12 of this Title, State moneys deposited by the treasurer or to his credit, shall not be drawn upon except by written authorization by him or by his facsimile or machine impress signature as treasurer and countersigned by the State Comptroller or by his facsimile or machine impressed signature.

2. This act shall take effect immediately.

Approved July 27, 1978.

CHAPTER 91

AN ACT concerning education and supplementing Title 18A of the New Jersey Statutes.

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

C. 18A:20-8.2 Lease of school lands.

1. Whenever any board of education shall by resolution determine that any tract of land is not necessary for school purposes, but which it does not desire to dispose of for reason that the property may, at some future time, again be required for school purposes, it may authorize the lease thereof, whether there is a building thereon or not, for a term extending beyond the official life of the board and said lease shall be binding upon successor boards as follows:

a. After advertisement of the request for bids to lease to the highest bidder in a newspaper published in the school district, or, if none is published therein, then in a newspaper circulating in the district in which the same is situate, at least once a week for 2 weeks prior to the date fixed for the receipt and opening of bids, unless:

b. The same is leased to the State, or a political subdivision thereof, in which case the same may be leased by private agreement without advertisement for bids.

2. This act shall take effect immediately.

Approved July 27, 1978.

CHAPTER 92

AN ACT authorizing the sale of certain surplus real property owned by the Department of Law and Public Safety.

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

1. The Department of Law and Public Safety, Division of Motor Vehicles, is hereby authorized to sell and convey all of the State's

interest in 7.38 acres of surplus real property in the city of Newark, Essex county. The property is designated as Block 5046, Lot 10, on the Newark tax map.

2. The sale shall be upon terms and conditions as approved by the State House Commission.

3. This act shall take effect immediately.

Approved July 27, 1978.

CHAPTER 93

AN ACT to amend and supplement the "Urban Renewal Corporation and Association Law of 1961," approved June 2, 1961 (P. L. 1961, c. 40), as said short title was amended by P. L. 1967, c. 114.

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

C. 40:55C-58.1 Continuation of tax exemption; "annual gross revenue" defined; exclusion from calculation of gain realized on sale of condominium unit; conveyance to bona fide unit purchaser grantee.

1. Notwithstanding anything to the contrary contained in the act to which this act is amendatory and supplementary, when an urban renewal corporation or an urban renewal association, being a party to a financial agreement prepared in compliance with sections 20 to 25, inclusive, of said act (C. 40:55C–59 to 40:55C–64), files a master deed pursuant to P. L. 1969, c. 257 (C. 46:8B–1 et seq.) creating a condominium as to all or a portion of a project which has been approved for tax exemption under section 19 of said act (C. 40:55C–58), each unit of the condominium whether owned by the urban renewal corporation, urban renewal association or a successor unit purchaser of either, shall continue to be subject to the provisions of said act, as modified in this section, and the tax exemption previously approved under the provisions of said act with respect to the property converted to condominium ownership shall be unaffected by the recording of the master deed or any subsequent deed conveying the condominium unit and its appurtenant interest in the common elements. A tax exemption granted pursuant to this act to any single condominium unit shall

continue in effect only during that time that an owner of such unit, not including an urban renewal corporation or association, personally resides therein. Such tax exemption shall continue as to the condominium unit and its appurtenant undivided interest in the common elements subject to all of the following:

a. "Annual gross revenue" shall mean, when used with respect to any such condominium project, the amount equal to the annual aggregate constant payments to principal and interest, assuming a purchase money mortgage encumbering the condominium unit to have been in an original amount equal to the initial value of the unit with its appurtenant interest in the common elements as stated in the master deed, if unsold by the urban renewal corporation or association, or, if the unit is held by a unit purchaser, from time to time, the most recent true consideration paid for a deed to the condominium unit in a bona fide arms length sale transaction, but not less than the initial assessed valuation of the condominium unit assessed at 100% of true value, plus the total amount of common expenses charged to the unit pursuant to the bylaws of the condominium association. The constant payments to principal and interest shall be calculated by assuming a loan amount as aforesaid at the maximum lawful interest rate under R. S. 31:1–1 as of the date of recording of the unit deed, for a term equal to the full term of the exemption from taxation stipulated in the financial agreement.

b. There is expressly excluded from calculation of annual gross revenue and from allowable net profit any gain realized on the sale of a condominium unit, whether or not taxable under applicable Federal or State laws.

c. The conveyance of a condominium unit which is subject to the provisions of a financial agreement to a bona fide unit purchaser grantee shall not require consent or approval of the municipality and the grantee shall, by virtue hereof, acquire title to the unit subject to the requirement for payment of the annual service charge and other provisions thereof expressly applicable to condominium unit purchasers under the provisions of said act, and the exemption from taxation as to such condominium unit shall continue unaffected by such transfer, but only during such time as a unit owner personally resides therein.

C. 40:55C-46.1 "Redevelopment" defined.

2. (New section) As used in this act, "redevelopment" means in the case of a condominium project to be undertaken pursuant to this amendatory and supplementary act, the process of repair

ing, renovating, restoring or reconstructing those elements of any buildings or structures which have fallen into decay and disuse so that such buildings or structures may be utilized for residential use; provided that:

a. The portion of the total project cost attributable to redevelopment, as certified by a licensed architect, is 20% or more of the assessed valuation of the land and improvements to be redeveloped as established in the tax year immediately prior to the undertaking of the project; and,

b. The land and improvements after redevelopment are all subjected to a master deed pursuant to P. L. 1969, c. 257 (C. 46:8B–1 et seq.).

3. Section 7 of P. L. 1961, c. 40 (C. 40:55C–46) is amended to read as follows:

C. 40:55C-46 "Project" defined.

7. "Project" means the undertaking and execution of the redevelopment of a blighted area, in whole or in part, in accordance with an agreement with respect to the land and improvements concerned between the corporation or association and a municipality, or agency, or authority, and in connection with a redevelopment plan adopted pursuant to the procedures specified in section 17(b) of chapter 306 of the laws of 1949 (C. 40:55C–17(b)), including the work to be done in reference thereto, the designation of the particular proposed buildings to be constructed and their uses and purposes, the landscaping of the premises, the streets and access roads, recreational facilities, if any, the furnishing of the public utilities, the financial arrangements and the terms and conditions of the proposed municipal cooperation and approval.

4. Section 8 of P. L. 1961, c. 40 (C. 40:55C–47) is amended to read as follows:

C. 40:55C-47 "Total project unit cost" or "total project cost" defined.

8. "Total project unit cost" or "total project cost" means the aggregate of the following items as related to any unit of a project if the project is to be undertaken in units or to the total project if the project is not to be undertaken in units: (a) cost of the land and improvements to the urban renewal corporation or association whether acquired from a private or public owner, such cost in the case of leasehold interests to be computed by capitalizing the aggregate rental at a rate provided in the financial agreement; (b) architects', engineers' and attorneys' fees paid or payable by the corporation or association in connection with the planning, con-

struction and financing of the project; (c) surveying and testing charges in connection therewith; (d) actual construction costs as certified by the architect, including the cost of any preparation of the site undertaken at the corporation's or association's expense; (e) insurance, interest and finance costs during construction; (f) costs of obtaining initial permanent financing; (g) commissions and other expenses paid or payable in connection with initial leasing or sale of units; (h) real estate taxes and assessments during the construction period, and (i) a developer's overhead based on a percentage of (d) above, to be computed in accordance with the following schedule:

$500,000 or less	10%
$500,001 through $1,000,000	$50,000 plus 8% on excess above $500,000
$1,000,001 through $2,000,000	$90,000 plus 7% on excess above $1,000,000
$2,000,001 through $3,500,000	$160,000 plus 5.6667% on excess above $2,000,000
$3,500,001 through $5,500,000	$245,000 plus 4.25% on excess above $3,500,000
$5,500,001 through $10,000,000	$330,000 plus 3.7778% on excess above $5,500,000
Over $10 million	5%

5. Section 14 of P. L. 1961, c. 40 (C. 40:55C–53) is amended to read as follows:

C. 40:55C-53 Making land and improvements of blighted area available for use for project; resolution of governing body.

14. When any municipality or agency or authority thereof has acquired land or land and improvements constituting or being a part of a blighted area, pursuant to chapter 187 of the laws of 1949 (C. 40:55–21.1 et seq.), chapter 300 of the laws of 1949 (C. 55:14A–31 et seq.), or chapter 306 of the laws of 1949 (C. 40:55C–1 et seq.), the governing body of the municipality, or the agency or authority, by resolution, may make such land, or land and improvements available for use for a project by an urban renewal corporation or association, qualified under this act or any supplement thereto, by private sale or lease of not less than 1 years, upon such terms and conditions as shall be agreed upon by the said governing body or said agency or authority and said corporation or association. Any such resolution shall include a determination of the use value of the said land and the price to b

paid therefor by the said corporation or association shall not be less than the amount so determined.

6. Section 15 of P. L. 1961, c. 40 (C. 40:55C–54) is amended to read as follows:

C. 40:55C-54 Qualification of corporations; required provisions of certificate.

15. Any corporation formed, or which shall be formed, under Title 14, "Corporations, General" of the Revised Statutes may qualify to operate under the provisions of this act, if its certificate of incorporation, originally or by amendment thereof, shall contain the following provisions:

(a) The name of the corporation shall include the words "urban renewal".

(b) The object for which it is formed shall be to operate under this act and to initiate and conduct projects for the clearance, replanning, development and redevelopment of blighted areas in municipalities and, when so authorized by financial agreement with a municipality pursuant to this act, to acquire by purchase or lease of not less than 15 years from a public or private owner, plan, develop, construct, alter, maintain or operate housing, business, industrial, commercial, cultural or recreational projects or any combination of any two or more such types of improvement in a single project, under such conditions as to use, ownership, management and control as shall be regulated pursuant to this act.

(c) A provision that so long as the corporation is obligated under a financial agreement with a municipality made pursuant to this act, it shall engage in no business other than the development, redevelopment, ownership, operation and management of a single project.

(d) A declaration that the corporation has been organized to serve a public purpose, that its operations shall be directed toward providing for and making possible the clearance, replanning, development or redevelopment of blighted areas or the acquisition, management and operation of a project hereunder; and that it shall, as provided herein, be subject to regulation by the municipality in which its project is situated, and to a limitation on profits and dividends for so long as it remains the owner of a project subject to the provisions of this act, or is by contract or resolution charged with responsibility for administration and management of a condominium or condominium property pursuant to the provisions of P. L. 1969, c. 257 (C. 46:8B–1 et seq.).

(e) A provision that the corporation shall not voluntarily transfer the project undertaken by it under the terms of this act, until it has first removed both itself and the project from all restrictions hereunder in the manner hereinafter set forth; but with a proviso that the foregoing restriction shall not be applied to prevent the transfer of a project to another urban renewal corporation which, with the consent of the municipality in which the project is located, shall assume all the contractual obligations of the transferor corporation under its financial agreement with the said municipality.

7. Section 13 of P. L. 1967, c. 114 (C. 40:55C-55.1) is amended to read as follows:

C. 40:55C-55.1 Operation as unincorporated association; certificate; contents.

13. Any two or more persons, may qualify to operate as a partnership, limited partnership, limited partnership association or other unincorporated association or entity by filing such certificate or statement as may be required by any statute governing the form selected and in addition to any other requirement contained therein incorporate the following provisions:

(a) The name of the association or the trade name under which the association shall conduct its business shall include the words "urban renewal".

(b) The object for which it is formed shall be to operate under this act or the act to which this is a supplement and to initiate and conduct projects for the clearance, replanning, development and redevelopment of blighted areas in municipalities and, when so authorized by financial agreement with a municipality pursuant to this act or the act to which this is a supplement, to acquire plan, develop, construct, alter, maintain or operate housing, business, industrial, commercial, cultural or recreational project or any combination of any two or more such types of improvement in a single project, under such conditions as to use, ownership management and control as shall be regulated pursuant to this act or the act to which this is a supplement.

(c) A provision that so long as the association is obligated under a financial agreement with a municipality made pursuant to this act or the act to which this is a supplement, it shall engage in no business other than the ownership, development, redevelopment operation and management of a single project.

(d) A declaration that the association has been organized to serve a public purpose, that its operations shall be directed toward

providing for and making possible the clearance, replanning, development or redevelopment of blighted areas or the acquisition, management and operation of a project hereunder; and that it shall, as provided herein, be subject to regulation by the municipality in which its project is situated, and to a limitation on profits for so long as it remains the owner of a project subject to the provisions of this act or the act to which this is a supplement, or is by contract charged with responsibility for administration and management of a condominium or condominium property pursuant to the provisions of P. L. 1969, c. 257 (C. 46:8B–1 et seq.).

(e) A provision that the association shall not voluntarily transfer the project undertaken by it under the terms of this act or the act to which this is a supplement, until it has first removed both itself and the project from all restrictions hereunder in the manner hereinafter set forth; but with a proviso that the foregoing restriction shall not be applied to prevent the transfer of a project to another urban renewal association or corporation which, with the consent of the municipality in which the project is located, shall assume all the contractual obligations of the tranferor association or corporation under its financial agreement with the said municipality.

If the association shall not by reason of any other law be required to file a certificate or statement, then the said association in addition to the requirements set forth above shall file a certificate in the office of the clerk of the county in which its principal place of business is located setting forth its full name and the name under which it shall do business, its duration, the location of its principal offices and the name of a person or persons upon whom service may be effected and the name and address and extent of each person having any ownership or proprietary interest therein.

8. Section 19 of P. L. 1961, c. 40 (C. 40:55C–58) is amended to read as follows:

C. 40:55C-58 Application to municipality for approval; form; contents.

19. Every urban renewal corporation or association qualifying under this act, before proceeding with any project herein authorized, shall make written application to the municipality for approval thereof. Said application shall be in such form and shall certify to such facts and data as shall be required by the municipality, and may include but shall not be limited to:

(a) A general statement of the nature of the proposed project, that the undertaking conforms to all applicable municipal

ordinances, that its completion will meet an existing need, and that the project accords with the master plan or official map, if any, of the municipality.

(b) A description of the proposed project outlining the area included and a description of each unit thereof if the project is to be undertaken in units and setting out such architectural and site plans as may be required.

(c) A statement of the estimated cost of the proposed project in such detail as may be required, including the estimated cost of each unit if it is to be so undertaken.

(d) The source, method and amount of money to be subscribed through the investment of private capital, setting forth the amount of stock or other securities to be issued therefor or in the case of an association the extent of capital invested and the proprietary or ownership interest obtained in consideration therefor.

(e) A fiscal plan for the project outlining a schedule of annual gross revenue, the estimated expenditures for operation and maintenance, payments for interest, amortization of debt and reserves, and payments to the municipality to be made pursuant to a financial agreement to be entered into with said municipality.

Such application shall be addressed and submitted, to the mayor of the municipality, who shall, within 60 days after receipt thereof, submit it with his recommendations to the governing body. The governing body shall by resolution approve or disapprove the application, but in the event of disapproval, changes may be suggested to secure its approval. An application may be revised and resubmitted.

9. Section 20 of P. L. 1961, c. 40 (C. 40:55C–59) is amended to read as follows:

C. 40:55C-59 Financial agreement; preparation; form; contents.

20. Every approved project shall be evidenced by a financial agreement between the municipality and the corporation or association. Such agreement shall be prepared by the corporation or association and submitted as a separate part of its application for project approval.

The financial agreement shall be in the form of a contract requiring full performance within 20 years from the date of completion of the project, except in an instance of housing the term may be 35 years from the date of the completion of the project, and shall include the following:

(a) That the profits of and dividends payable by the corporation or profits of any association shall be limited as hereinafter provided;

(b) That all improvements in the project to be constructed or acquired by the corporation or association shall be exempt from taxation as hereinafter provided;

(c) That the corporation or association shall make payments for municipal services as hereinafter provided;

(d) That the corporation or association shall submit annually, within 90 days after the close of its fiscal year, its auditor's reports to the mayor and governing body of the municipality;

(e) That the corporation or association shall, upon request, permit inspection of property, equipment, buildings and other facilities of the corporation, or association, and also permit examination and audit of its books, contracts, records, documents and papers by authorized representatives of the municipality;

(f) That in the event of any dispute between the parties the matters in controversy shall be resolved by arbitration in the manner provided therein;

(g) That operation under the financial agreement shall be terminable by the corporation or association in the manner provided by this act;

(h) That the corporation or association shall at all times prior to the expiration or other termination of the financial agreement remain bound by the provisions of this act.

10. Section 21 of P. L. 1961, c. 40 (C. 40:55C–60) is amended to read as follows:

C. 40:55C-60 Provisions of financial agreement.

21. The financial agreement may provide that the municipality will consent to a sale of the project by the urban renewal entity to another urban renewal entity organized under this act or any supplement thereto, or to the purchasers of units in the condominium into which the project or any portion thereof has been devoted to condominium ownership, their successors, assigns, all owning no other project or any other condominium unit of a project at the time of the transfer and that, upon assumption by the transferee urban renewal entity or condominium unit purchaser of the transferor's obligations under the financial agreement, the tax exemption of the improvement as herein provided shall continue and inure to the transferee urban renewal entity or unit purchaser, their respective successors or assigns.

11. Section 23 of P. L. 1961, c. 40 (C. 40:55C–62) is amended to read as follows:

C. 40:55C-62 Contents of financial agreement as to management and operation of project.

23. The financial agreement shall contain detailed representations and covenants by the corporation or association as to the manner in which it proposes to manage or operate the project. The financial agreement shall further set forth the plans for financing the project, including the estimated total project cost, the amortization rate on the total project cost, the source of funds, the interest rates to be paid on the construction financing, the source and amount of paid-in capital, the terms of mortgage amortization or payment of principal on any mortgage, a good faith projection of initial sales prices of condominium units and expenses to be incurred in promoting and consummating such sales, and the rental schedules and lease terms to be used in the project.

12. Section 26 of P. L. 1961, c. 40 (C. 40:55C–65) is amended to read as follows:

C. 40:55C-65 Exemption of rehabilitation or improvements from taxation; annual service charge; amount; credit against annual charge; expiration of tax exemption.

26. The rehabilitation or improvements made in the development or redevelopment of a blighted area, pursuant to this act, shall be exempt from taxation for a period of not more than 20 years from the date of the execution of a financial agreement for the development or redevelopment of the property upon which the improvements are to be made pursuant to a financial agreement entered into with the municipality in which said area is situate, provided, in an instance of housing the redevelopment or improvements shall be exempt from taxation for a period of 35 years. Any such exemption shall be claimed and allowed in the same or a similar manner as in the case of other real property exemptions and no such claim shall be allowed unless the municipality wherein said property is situated shall certify that a financial agreement with an urban renewal corporation or association for the development or the redevelopment of the property has been entered into and is in effect as required by the provisions of this act. In event that an exemption status changes during a tax year, the procedure for the apportionment of the taxes for said year shall be the same as in the case of other changes in tax exemptions status during the tax year.

With respct to any projects or portions of any projects not devoted to condominium ownership pursuant to P. L. 1969, c. 257 (C. 46:8B–1 et seq.), the urban renewal corporation or association shall make payment to the municipality of an annual service charge for municipal services supplied to said project, in an annual amount equal to 15% of the annual gross revenues from each unit of the project, if the project is undertaken in units, or from the total project if the project is not undertaken in units, for each of the years of operation commencing with the date of the completion of such unit or of the project, as the case may be.

Where all or part of a project is devoted to condominium ownership by the recording of a master deed pursuant to P. L. 1969, c. 257 (C. 46:8B–1 et seq.), the project or portions thereof so utilized shall be liable for, and the urban renewal corporation or association, or a condominium owner, as the case may be, shall pay to the municipality, an amount equal to 15% of the annual gross revenue from each condominium unit in the project, or the condominium unit owned, as the case may be, for each of the first 10 years of operation commencing upon the date of the completion of the project, or each condominium unit, if the project is undertaken in units, as the case may be. For the remainder of the period of the exemption, the annual service charge shall be determined in the same manner as provided in this paragraph, subject to the following modifications:

a. For the eleventh year and for each succeeding year thereafter through the fifteenth year, an amount equal to either 15% of the annual gross revenue, or 20% of the amount of taxes otherwise due on the value of the land and improvements, whichever shall be greater;

b. For the sixteenth year and for each succeeding year thereafter through the twentieth year, an amount equal to either 15% of the annual gross revenue, or 40% of the amount of taxes otherwise due on the value of the land and improvements, whichever shall be greater;

c. For the twenty-first year and for each succeeding year thereafter through the twenty-fifth year, an amount equal to either 15% of the annual gross revenue, or 60% of the amount of taxes otherwise due on the value of the land and improvements, whichever shall be greater; and,

d. For the twenty-sixth year and for each succeeding year thereafter through the thirtieth year, an amount equal to either 15% of the annual gross revenue, or 80% of the amount of taxes other-

wise due on the value of the land and improvements, whichever shall be greater.

Where because of the nature of the development, ownership, use or occupancy of the project or any unit thereof if the project is to be undertaken in units, the total annual gross rental cannot be reasonably ascertained under the provisions of section 12 of this act (C. 40:55C–51), the governing body shall provide in the financial agreement that the annual service charge shall be a sum equal to 2% of the total project cost or total project unit cost determined pursuant to section 8 of this act (C. 40:55C–47), calculated from first day of the month following the substantial completion of the project or any unit thereof if the project is undertaken in units; provided, however, that in no event shall such payment together with the taxes on the land, in any year after first occupancy of the project be less than the total taxes assessed on all real property in the area covered by the project in the calendar year immediately preceding the acquisition of the said area by the municipality or its agency, or by the private or public owner from whom the urban renewal corporation acquired the land.

The aforesaid payment shall be made annually within 30 days after the close of each such calendar year.

Against such annual charge the corporation or association, or, in the case of a condominium unit, the unit owner, shall be entitled to credit for the amount, without interest, of the real estate taxes on land paid by it in the last four preceding quarterly installments. On or before January 15 in each year each taxing district shall report to the county board of taxation, in such form as shall be approved by the director of the Division of Taxation, the amount of the service charge in excess of the taxes on the land chargeable for the preceding calendar year for each project or unit thereof subject to the provisions of this act. The county tax board shall capitalize the amount so reported by each taxing district by dividing the same by the tax rate per $100.00 of valuation for the taxing district for the preceding year and multiplying the resultant quotient by 100. The result of such capitalization shall be included in the ensuing table of aggregates in a separate column as locally assessed real estate and shall be equalized in the same manner as other real estate for the purposes of apportionment of county taxes.

At the end of 20 years from the date of the execution of said financial agreement or earlier at the end of 15 years of operation

of any unit, if the project is undertaken in units, or the entire project, if it is not undertaken in units, whichever occurs first, the tax exemption upon said unit, if the project is undertaken in units, or upon the entire project, if the project is not undertaken in units, shall cease and the improvements and any other property of the corporation or association as well as the land shall be assessed and taxed, according to general law, like other property in the municipality. In an instance of housing, the exemptions shall cease as provided above at the end of 35 years from the date of execution of the financial agreement or earlier at the end of 30 years of the operation of any unit, if the project is undertaken in units, or of the entire project if it is not undertaken in units, whichever first occurs, or if the project is devoted to condominium ownership at the end of 30 years after the recording of the master deed.

At the same date all restrictions and limitations upon the corporation or association shall terminate and be at an end upon the corporation's or association's rendering its final account with the municipality.

13. Section 28 of P. L. 1961, c. 40 (C. 40:55C–67) is amended to read as follows:

C. 40:55C-67 Limitation on tax exemption.

28. The tax exemption provided herein shall apply only so long as the urban renewal corporation or association and its project remain subject to the provisions of this act but in no event longer than 20 years from the date of the execution of the financial agreement, except in the instance of housing the tax exemption to the extent of such use shall apply for 35 years from said date. Any corporation or association organized hereunder may, at any time after the expiration of 1 year from the completion date of the project, notify the governing body of the municipality with which it has entered into a financial agreement that, as of a certain date designated in the notice, it relinquishes its status hereunder. As of the date so set, the tax exemption, the service charges and the profit and dividend restriction shall terminate. Upon any termination of such tax exemption, obligations and restrictions, whether by affirmative action of the corporation or association as above provided or by the provisions of this act or pursuant to the financial agreement made hereunder the date of such termination shall be deemed to be the end of the fiscal year of said corporation or association. Within 90 days after the date of such termination, the corporation or association shall pay to the municipality a sum equal to the

amount of the reserve, if any, maintained pursuant to section 27 of this act (C. 40:55C–66), as well as the excess profit, if any, payable pursuant to said section 27 by reason of the treatment of such date as the end of a fiscal year.

14. This act shall take effect immediately.

Approved July 31, 1978.

CHAPTER 94

AN ACT to amend "An act concerning hospital service corporations and regulating the establishment, maintenance and operation of hospital service plans, and supplementing Title 17 of the Revised Statutes by adding thereto a new chapter entitled 'Hospital Service Corporations,'" approved June 14, 1938 (P. L. 1938, c. 366).

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

1. Section 1 of P. L. 1938, c. 366, (C. 17:48–1) is amended to read as follows:

C. 17:48-1 Definitions.

1. A hospital service corporation is hereby declared to be any corporation organized, without capital stock and not for profit, for the purpose of establishing, maintaining and operating a non-profit hospital service plan. A hospital service plan is hereby defined as a plan whereunder service benefit contracts are issued providing complete prepayment or postpayment of eligible health care services and supplies for a given period to persons covered under such contracts, and arrangements are made for payment for such health care services and supplies directly to the providers thereof, including but not limited to, health care facilities and other suppliers of health care services; in addition, hospital service corporations may issue contracts providing for whole or partial payment for health care services and supplies furnished to persons covered under such contracts; provided, however, that not more than 20% of persons covered by other than service benefit contracts may be covered by contracts which include deductible options exceeding $1,000.00 or such higher amount as the Commissioner

of Insurance may permit by regulation, or co-insurance exceeding 30% of the total amount billed for covered health care services or supplies. Arrangements may be made for payment for such health care services and supplies directly to the provider thereof, including but not limited to, health care facilities and other suppliers of health care services, or to the subscribers under such contracts. Such providers or suppliers may include but are not limited to:

(a) A hospital service corporation; (b) a health care facility with which the corporation has a contract for such health care services or supplies to persons who become subscribers under contracts with the corporation; (c) a health care facility which is maintained by a State or any of its political subdivisions; (d) a health care facility licensed by the Department of Health; (e) such other health care facilities as shall have been designated by the Department of Health for health care services; (f) health care facilities located in other States, which are subject to the supervision of such other States provided that such last mentioned health care facilities, if they were to be located in this State, would be eligible to be licensed or designated by the Department of Health; or (g) nonprofit hospital service plans of other states approved by the Commissioner of Insurance.

2. Section 1 of P. L. 1970, c. 111, (C. 17:48–6.9) is amended to read as follows:

17:48-6.9 Adjustment of premium rates; experience rating formulas; approval by commissioner.

1. Any group contract, covering at least 50 employees or members, may provide for the adjustment of the rate of premium at the end of the first year or any subsequent year of insurance thereunder based on the experience thereunder both past and contemplated. No hospital service corporation shall use any form of experience rating plan until it shall have filed with the commissioner the formulas to be used and the classes of groups to which they are to apply. The commissioner may disapprove the formulas or classes at any time if he finds that the rates produced thereby are excessive, inadequate or unfairly discriminatory or that the formulas or classes are such as to prejudice the interests of persons who are eligible for hospital services under contracts with the hospital service corporation which are not subject to experience rating.

Excluding those rating formulas applicable to groups the employees or members of which are located in more than one state

and which are underwritten in participation with other corporation(s) of other state(s), no rating formula shall be approved by the commissioner unless it provides that the experience rated groups will be assessed a reasonable community charge. Any such rating formula may provide for the allowance of an equitable discount in the event the policyholder agrees to perform certain administrative and record keeping functions in connection with the routine maintenance of the group account.

Nothing in this section shall preclude the hospital service corporation from incorporating in the rate formula such claim cost and utilization trend factors as it deems necessary in its discretion so long as the rates produced are self-supporting and the formulas for classes do not prejudice the interests of persons who are eligible for hospital services under contracts with the hospital service corporation which are not subject to experience rating.

For experience rated groups of 50 to 99 employees or members, the commissioner will have the authority to determine that rates charged depart from community rates in such a way as to assure continuity of rating principles with the community rated and experience rated groups of 100 or more.

3. Section 10 of P. L. 1938, c. 366, (C. 17:48–10) is amended to read as follows:

C. 17:48-10 Solicitation and administrative expenses; investment of funds special contingent surplus.

10. No corporation subject to the provisions of this chapter shall during any one year disburse more than 10% of the aggregate amount of the payments received from subscribers during that year as expenditures for the soliciting of subscribers, except that during the first year after the issuance of a certificate of authority such corporation may so disburse not more than 20% of such amount and during the second year not more than 15%.

No such corporation shall, during any one year, disburse a sum greater than 20% of the payments received from subscribers during that year as administrative expenses. The term, "administrative expenses," as used in this section, shall include all expenditures for nonprofessional services and in general all expenses not directly connected with the furnishing of hospital services, but not including expenses of soliciting subscribers.

The funds of any hospital service corporation may be invested only in accordance with the requirements now or hereafter pre

vided by law for the investment of funds of life insurance companies. Every hospital service corporation after the first full calendar year of doing business after the effective date of this chapter, shall accumulate and maintain a special contingent surplus over and above its reserves and liabilities at the rate of 2% annually of its net premium income until such surplus shall be not less than $100,000.00. Thereafter for any subsequent calendar year, such special contingent surplus shall be maintained at 2½% of the net premium income received during that year as determined by reference to the statement of financial condition filed pursuant to R. S. 17:48–11. The special contingent surplus as herein provided shall be contributed by each of the following two categories: 1) community rated, excluding open enrollment and conversion groups; and 2) experience rated subscribers, in the ratio that the net premium income of each category bears to the total net premium income of the corporation and by contribution from the category that gives rise to a diminution of the surplus required to be maintained under this act. Whenever it shall appear that such special contingent surplus has deviated from the amount required to be maintained by more than 2% of the aggregate amount of the net premium income received during that year, the Commissioner of Insurance shall approve and promulgate a plan reasonably calculated to return such special contingent surplus to the amount required to be maintained, within 2 years from the date of implementation of the plan specified above. Approval and promulgation of said plan by the Commissioner of Insurance shall not abrogate the responsibilities of corporate officers with regard to the reporting of financial conditions pursuant to section 11 of the act which this act amends.

4. Sections 1 and 2 of this act shall take effect immediately; section 3 shall take effect on January 1, 1981.

Approved August 2, 1978.

CHAPTER 95

AN ACT to adopt a New Jersey Code of Criminal Justice to be known as Title 2C of the New Jersey Statutes, to revise and to repeal portions of the statutory law as amended and supplemented, and to provide for the effect and operation of said Title 2C.

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

TITLE 2C

THE NEW JERSEY CODE OF CRIMINAL JUSTICE

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C. 2C:1-1 Short Title; Rules of Construction.

2C:1-1. Short Title; Rules of Construction. a. This Title shall be known and may be cited as the "New Jersey Code of Criminal Justice."

b. Except as provided in subsections c. and d. of this section, the code does not apply to offenses committed prior to its effective date and prosecutions for such offenses shall be governed by the prior law, which is continued in effect for that purpose, as if this code were not in force. For the purposes of this section, an offense was committed after the effective date of the code if any of the elements of the offenses occurred subsequent thereto.

c. In any case pending on or initiated after the effective date of the code involving an offense committed prior to such date:

(1) The procedural provisions of the code shall govern, insofar as they are justly applicable and their application does not introduce confusion or delay;

(2) The court, with the consent of the defendant, may impose sentence under the provisions of the code applicable to the offense and the offender.

(3) The court shall, if the offense committed is no longer an offense under the provisions of the code, dismiss such prosecution.

d. (1) The provisions of the code governing the treatment and the release or discharge of prisoners, probationers and parolees shall apply to persons under sentence for offenses committed prior to the effective date of the code, except that the minimum or maximum period of their detention or supervision shall in no case be increased.

(2) Any person who is under sentence of imprisonment on the effective date of the code for an offense committed prior to the effective date which has been eliminated by the code or who has been sentenced to a maximum term of imprisonment for an offense committed prior to the effective date which exceeds the maximum established by the code for such an offense and who, on said effective date, has not had his sentence suspended or been paroled or discharged, may move to have his sentence reviewed by the sentencing court and the court may impose a new sentence, for

good cause shown as though the person had been convicted under the code, except that no period of detention or supervision shall be increased as a result of such resentencing.

e. The provisions of the code not inconsistent with those of prior laws shall be construed as a continuation of such laws.

f. The classification and arrangement of the several sections of the code have been made for the purpose of convenience, reference and orderly arrangement, and therefore no implication or presumption of a legislative construction is to be drawn therefrom.

g. In the construction of the code, or any part thereof, no outline or analysis of the contents of said title or of any subtitle, chapter, article or section, no cross-reference or cross-reference note and no headnote or source note to any section shall be deemed to be a part of the code.

h. If said title or any subtitle, chapter, article or section of the code, or any provision thereof, shall be declared to be unconstitutional, invalid or inoperative in whole or in part, by a court of competent jurisdiction, such title, subtitle, chapter, article, section or provision shall, to the extent that it is not unconstitutional, invalid or inoperative, be enforced and effectuated, and no such determination shall be deemed to invalidate or make ineffectual the remaining provisions of the title, or of any subtitle, chapter, article or section of the code.

Source: R. S. 1:1-15; Model Penal Code: 1.01.

C. 2C:1-2 Purposes; Principles of Construction.

2C:1-2. Purposes; Principles of Construction. a. The general purposes of the provisions governing the definition of offenses are:

(1) To forbid, prevent, and condemn conduct that unjustifiably and inexcusably inflicts or threatens substantial harm to individual or public interests;

(2) To insure the public safety by preventing the commission of offenses through the deterrent influence of the sentences authorized, the rehabilitation of those convicted, and their confinement when required in the interests of public protection;

(3) To subject to public control persons whose conduct indicates that they are disposed to commit offenses;

(4) To give fair warning of the nature of the conduct proscribed and of the sentences authorized upon conviction;

(5) To differentiate on reasonable grounds between serious and minor offenses; and

(6) To define adequately the act and mental state which constitute each offense, and limit the condemnation of conduct as criminal when it is without fault.

b. The general purposes of the provisions governing the sentencing of offenders are:

(1) To prevent and condemn the commission of offenses;

(2) To promote the correction and rehabilitation of offenders;

(3) To insure the public safety by preventing the commission of offenses through the deterrent influence of sentences imposed and the confinement of offenders when required in the interest of public protection;

(4) To safeguard offenders against excessive, disproportionate or arbitrary punishment;

(5) To give fair warning of the nature of the sentences that may be imposed on conviction of an offense;

(6) To differentiate among offenders with a view to a just individualization in their treatment; and

(7) To advance the use of generally accepted scientific methods and knowledge in sentencing offenders.

c. The provisions of the code shall be construed according to the fair import of their terms but when the language is susceptible of differing constructions it shall be interpreted to further the general purposes stated in this section and the special purposes of the particular provision involved. The discretionary powers conferred by the code shall be exercised in accordance with the criteria stated in the code and, insofar as such criteria are not decisive, to further the general purposes stated in this section.

Source: Model Penal Code: 1.02.

C. 2C:1-3 Territorial Applicability.

2C:1–3. Territorial Applicability. a. Except as otherwise provided in this section, a person may be convicted under the law of this State of an offense committed by his own conduct or the conduct of another for which he is legally accountable if:

(1) Either the conduct which is an element of the offense or the result which is such an element occurs within this State;

(2) Conduct occurring outside the State is sufficient under the law of this State to constitute an attempt to commit a crime within the State;

(3) Conduct occurring outside the State is sufficient under the law of this State to constitute a conspiracy to commit an offense

within the State and an overt act in furtherance of such conspiracy occurs within the State;

(4) Conduct occurring within the State establishes complicity in the commission of, or an attempt, or conspiracy to commit, an offense in another jurisdiction which also is an offense under the law of this State;

(5) The offense consists of the omission to perform a legal duty imposed by the law of this State with respect to domicile, residence or a relationship to a person, thing or transaction in the State; or

(6) The offense is based on a statute of this State which expressly prohibits conduct outside the State, when the conduct bears a reasonable relation to a legitimate interest of this State and the actor knows or should know that his conduct is likely to affect that interest.

b. Subsection a. (1) does not apply when either causing a specified result or a purpose to cause or danger of causing such a result is an element of an offense and the result occurs or is designed or likely to occur only in another jurisdiction where the conduct charged would not constitute an offense, unless a legislative purpose plainly appears to declare the conduct criminal regardless of the place of the result.

c. Subsection a. (1) does not apply when causing a particular result is an element of an offense and the result is caused by conduct occurring outside the State which would not constitute an offense if the result had occurred there, unless the actor purposely or knowingly caused the result within the State.

d. When the offense is homicide, either the death of the victim or the bodily impact causing death constitutes a "result," within the meaning of subsection a. (1) and if the body of a homicide victim is found within the State, it may be inferred that such result occurred within the State.

e. This State includes the land and water, including the waters set forth in R. S. 40:18–5 and the air space above such land and water with respect to which the State has legislative jurisdiction. It also includes any territory made subject to the criminal jurisdiction of this State by compacts between it and another state or between it and the Federal Government.

f. Notwithstanding that territorial jurisdiction may be found under this section, the court may dismiss, hold in abeyance for up to 6 months, or, with the permission of the defendant, place on the inactive list a criminal prosecution under the law of this State

where it appears that such action is in the interests of justice because the defendant is being prosecuted for an offense based on the same conduct in another jurisdiction and this State's interest will be adequately served by a prosecution in the other jurisdiction.

Source: Model Penal Code: 1.03.

C. 2C:1-4 Classes of Offenses.

2C:1-4. Classes of Offenses. a. An offense defined by this code or by any other statute of this State, for which a sentence of imprisonment in excess of 6 months is authorized, constitutes a crime within the meaning of the Constitution of this State. Crimes are designated in this code as being of the first, second, third or fourth degree.

b. An offense is a disorderly persons offense if it is so designated in this code or in a statute other than this code or if it is defined by a statute other than this code which now provides that persons convicted thereof may not be sentenced to imprisonment for a term of more than 6 months. An offense is a petty disorderly persons offense if it is so designated in this code or in a statute other than this code. Disorderly persons offenses and petty disorderly persons offenses are petty offenses and are not crimes within the meaning of the Constitution of this State. There shall be no right to indictment by a grand jury nor any right to trial by jury on such offenses. Conviction of such offenses shall not give rise to any disability or legal disadvantage based on conviction of a crime.

c. An offense defined by any statute of this State other than this code shall be classified as provided in this section or in section 2C:43-1 and the sentence that may be imposed upon conviction thereof shall hereafter be governed by this code. The provisions of this subsection shall not, however, apply to the offenses defined by the "New Jersey Controlled Dangerous Substances Act," (P. L. 1970, c. 226, C. 24:21-1 through 45), which shall be continued in effect.

Source: N. J. S. 2A:169-4 amended 1968, c. 113; Model Penal Code: 1.04.

C. 2C:1-5 Abolition of Common Law Crimes; All Offenses Defined by Statute; Application of General Provisions of the Code; Limitation of Local Government Laws.

2C:1-5. Abolition of Common Law Crimes; All Offenses Defined by Statute; Application of General Provisions of the Code; Limitation of Local Government Laws. a. Common law crimes are

abolished and no conduct constitutes an offense unless the offense is defined by this code or another statute of this State.

b. The provisions of subtitles 1 and 3 of the code are applicable to offenses defined by other statutes, unless the code otherwise provides.

c. This section does not affect the power to punish for contempt, either summarily or after indictment, or to employ any sanction authorized by law for the enforcement of an order or a civil judgment or decree.

d. Notwithstanding any other provision of law, the local governmental units of this State may neither enact nor enforce any ordinance or other local law or regulation conflicting with, or preempted by, any provision of this code or with any policy of this State expressed by this code, whether that policy be expressed by inclusion of a provision in the code or by exclusion of that subject from the code.

Source: N. J. S. 2A:85–1; Model Penal Code: 1.05.

C. 2C:1-6 Time Limitations.

2C:1–6. Time Limitations. a. A prosecution for murder 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 5 years after it is committed;

(2) A prosecution for a disorderly persons offense or petty disorderly persons offense must be commenced within 1 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:27–8, 2C:29–4, 2C:30–1, 2C:30–2, 2C:30–3, or any attempt or conspiracy to commit such an offense, must be commenced within 7 years after the commission of the offense.

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. This subsection shall not apply to any person accused of a violation of 2C:27–2, 2C:27–4, 2C:27–6, 2C:27–7, 2C:27–8, 2C:29–4, 2C:30–1, 2C:30–2, 2C:30–3, or any attempt or conspiracy to commit such offense.

d. A prosecution is commenced for a crime when an indictment is found and for a nonindictable offense, as defined in section

2C:1–4 b., when a warrant or other process is issued, provided that such warrant or process is executed without unreasonable delay.

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.

Source: N. J. S. 2A:159–2 amended 1953, c. 204; 2A:159–3 amended 1977, c. 214, s. 8; C. 2A:159–4 (1952, c. 74, s. 1 amended 1953, c. 243); N. J. S. 2A:169–10; Model Penal Code: 1.06.

C. 2C:1-7 Blank.

2C:1–7. Blank.

C. 2C:1-8 Method of Prosecution When Conduct Constitutes More Than One Offense.

2C:1–8. Method of Prosecution When Conduct Constitutes More Than One Offense. a. Prosecution for multiple offenses; limitation on convictions. When the same conduct of a defendant may establish the commission of more than one offense, the defendant may be prosecuted for each such offense. He may not, however, be convicted of more than one offense if:

(1) One offense is included in the other, as defined in subsection d. of this section;

(2) One offense consists only of a conspiracy or other form of preparation to commit the other;

(3) Inconsistent findings of fact are required to establish the commission of the offenses; or

(4) The offenses differ only in that one is defined to prohibit a designated kind of conduct generally and the other to prohibit a specific instance of such conduct.

b. Limitation on separate trials for multiple offenses. Except as provided in subsection c. of this section, a defendant shall not be subject to separate trials for multiple offenses based on the same conduct or arising from the same criminal episode, if such offenses are known to the appropriate prosecuting officer at the time of the commencement of the first trial and are within the jurisdiction and venue of a single court.

c. Authority of court to order separate trials. When a defendant is charged with two or more offenses based on the same conduct or arising from the same criminal episode, the court may order any such charge to be tried separately in accordance with the Rules of Court.

d. Conviction of included offense permitted. A defendant may be convicted of an offense included in an offense charged whether

or not the included offense is an indictable offense. An offense is so included when:

(1) It is established by proof of the same or less than all the facts required to establish the commission of the offense charged; or

(2) It consists of an attempt or conspiracy to commit the offense charged or to commit an offense otherwise included therein; or

(3) It differs from the offense charged only in the respect that a less serious injury or risk of injury to the same person, property or public interest or a lesser kind of culpability suffices to establish its commission.

e. Submission of included offense to jury. The court shall not charge the jury with respect to an included offense unless there is a rational basis for a verdict convicting the defendant of the included offense.

Source: Model Penal Code: 1.07.

C. 2C:1-9 When Prosecution Barred by Former Prosecution for the Same Offense.

2C:1-9. When Prosecution Barred by Former Prosecution for the Same Offense. A prosecution of a defendant for a violation of the same provision of the statutes based upon the same facts as a former prosecution is barred by such former prosecution under the following circumstances:

a. The former prosecution resulted in an acquittal by a finding of not guilty by the trier of fact or in a determination that there was insufficient evidence to warrant a conviction. A finding of guilty of a lesser included offense is an acquittal of the greater inclusive offense, although the conviction is subsequently set aside.

b. The former prosecution was terminated, after the complaint had been filed or the indictment found, by a final order or judgment for the defendant, which has not been set aside, reversed, or vacated and which necessarily required a determination inconsistent with a fact or a legal proposition that must be established for conviction of the offense. This subsection shall not apply to an order or judgment quashing an indictment prior to trial.

c. The former prosecution resulted in a conviction. There is a conviction if the prosecution resulted in a judgment of conviction which has not been reversed or vacated, a verdict of guilty which has not been set aside and which is capable of supporting a judgment, or a plea of guilty accepted by the court. In the latter two cases failure to enter judgment must be for a reason other than a motion of the defendant.

d. The former prosecution was improperly terminated. Except as provided in this subsection, there is an improper termination of a prosecution if the termination is for reasons not amounting to an acquittal, and it takes place after the jury was impaneled and sworn or, in a trial before a court without a jury, after the first witness was sworn but before findings were rendered by the trier of facts. Termination under any of the following circumstances is not improper:

(1) The defendant consents to the termination or waives, by motion to dismiss or otherwise, his right to object to the termination.

(2) The trial court finds that the termination is necessary because of the failure of the jury to agree upon a verdict after a reasonable time for deliberation has been allowed.

(3) The trial court finds that the termination is required by a sufficient legal reason and a manifest or absolute or overriding necessity.

Source: Model Penal Code: 1.08.

C. 2C:1-10 When Prosecution Barred by Former Prosecution for Different Offense.

2C:1–10. When Prosecution Barred by Former Prosecution for Different Offense. A prosecution of a defendant for a violation of a different provision of the statutes or based on different facts than a former prosecution is barred by such former prosecution under the following circumstances:

a. The former prosecution resulted in an acquittal or in a conviction as defined in section 2C:1–9 and the subsequent prosecution is for:

(1) Any offense of which the defendant could have been convicted on the first prosecution; or

(2) Any offense for which the defendant should have been tried on the first prosecution under section 2C:1–8 unless the court ordered a separate trial of the charge of such offense; or

(3) The same conduct, unless (a) the offense of which the defendant was formerly convicted or acquitted and the offense for which he is subsequently prosecuted each requires proof of a fact not required by the other and the law defining each of such offenses is intended to prevent a substantially different harm or evil, or (b) the second offense was not consummated when the former trial began.

b. The former prosecution was terminated, after the complaint was filed or the indictment found, by an acquittal or by a final

order or judgment for the defendant which has not been set aside, reversed or vacated and which acquittal, final order or judgment necessarily required a determination inconsistent with a fact which must be established for conviction of the second offense.

c. The former prosecution was improperly terminated, as improper termination is defined in section 2C:1-9, and the subsequent prosecution is for an offense of which the defendant could have been convicted had the former prosecution not been improperly terminated.

Source: Model Penal Code: 1.09.

C. 2C:1-11 Former Prosecution in Another Jurisdiction: When a Bar.

2C:1-11. Former Prosecution in Another Jurisdiction: When a Bar. When conduct constitutes an offense within the concurrent jurisdiction of this State and of the United States, a prosecution in the District Court of the United States is a bar to a subsequent prosecution in this State under the following circumstances:

a. The first prosecution resulted in an acquittal or in a conviction, or in an improper termination as defined in section 2C:1-9 and the subsequent prosecution is based on the same conduct, unless (1) the offense of which the defendant was formerly convicted or acquitted and the offense for which he is subsequently prosecuted each requires proof of a fact not required by the other and the law defining each of such offenses is intended to prevent a substantially different harm or evil or (2) the offense for which the defendant is subsequently prosecuted is intended to prevent a substantially more serious harm or evil than the offense of which he was formerly convicted or acquitted or (3) the second offense was not consummated when the former trial began; or

b. The former prosecution was terminated, after the information was filed or the indictment found, by an acquittal or by a final order or judgment for the defendant which has not been set aside, reversed or vacated and which acquittal, final order or judgment necessarily required a determination inconsistent with a fact which must be established for conviction of the offense of which the defendant is subsequently prosecuted.

Source: Model Penal Code: 1.10.

C. 2C:1-12 Former Prosecution Before Court Lacking Jurisdiction or When Fraudulently Procured by the Defendant.

2C:1-12. Former Prosecution Before Court Lacking Jurisdiction or When Fraudulently Procured by the Defendant. A prose-

cution is not a bar within the meaning of sections 2C:1–9, 10 and 11 under any of the following circumstances:

a. The former prosecution was before a court which lacked jurisdiction over the defendant or the offense tried in that court; or

b. The former prosecution was procured by the defendant without the knowledge of the appropriate prosecuting officer; or

c. The former prosecution resulted in a judgment of conviction which was held invalid in a subsequent proceeding on a petition for post-conviction relief or similar process, except that any bar as to reprosecution for a greater inclusive offense created by section 2C:1–9 a. shall apply.

Source: Model Penal Code: 1.11.

C. 2C:1-13 Proof Beyond a Reasonable Doubt; Affirmative Defenses; Burden of Proving Fact When Not an Element of an Offense.

2C:1–13. Proof Beyond a Reasonable Doubt; Affirmative Defenses; Burden of Proving Fact When Not an Element of an Offense. a. No person may be convicted of an offense unless each element of such offense is proved beyond a reasonable doubt. In the absence of such proof, the innocence of the defendant is assumed.

b. Subsection a of this section does not:

(1) Require the disproof of an affirmative defense unless and until there is evidence supporting such defense; or

(2) Apply to any defense which the code or another statute plainly requires the defendant to prove by a preponderance of evidence.

c. A defense is affirmative, within the meaning of subsection b (1) of this section, when:

(1) It arises under a section of the code which so provides; or

(2) It relates to an offense defined by a statute other than the code and such statute so provides; or

d. When the application of the code depends upon the finding of a fact which is not an element of an offense, unless the code otherwise provides:

(1) The burden of proving the fact is on the prosecution or defendant, depending on whose interest or contention will be furthered if the finding should be made; and

(2) The fact must be proved to the satisfaction of the court or jury, as the case may be.

e. When the code or other statute defining an offense establishes a presumption with respect to any fact which is an element of an offense, it has the meaning accorded it by the law of evidence.

Source: Model Penal Code: 1.12.

C. 2C:1-14 General Definitions.

2C:1–14. General Definitions. In this code, unless a different meaning plainly is required:

a. "Statute" includes the Constitution and a local law or ordinance of a political subdivision of the State;

b. "Act" or "action" means a bodily movement whether voluntary or involuntary;

c. "Omission" means a failure to act;

d. "Conduct" means an action or omission and its accompanying state of mind, or, where relevant, a series of acts and omission;

e. "Actor" includes, where relevant, a person guilty of an omission;

f. "Acted" includes, where relevant, "omitted to act";

g. "Person," "he," and "actor" include any natural person and, where relevant, a corporation or an unincorporated association;

h. "Element of an offense" means (1) such conduct or (2) such attendant circumstances or (3) such a result of conduct as

(a) Is included in the description of the forbidden conduct in the definition of the offense;

(b) Establishes the required kind of culpability;

(c) Negatives an excuse or justification for such conduct;

(d) Negatives a defense under the statute of limitations; or

(e) Establishes jurisdiction or venue;

i. "Material element of an offense" means an element that does not relate exclusively to the statute of limitations, jurisdiction, venue or to any other matter similarly unconnected with (1) the harm or evil, incident to conduct, sought to be prevented by the law defining the offense, or (2) the existence of a justification or excuse for such conduct;

j. "Reasonably believes" or "reasonable belief" designates a belief the holding of which does not make the actor reckless or criminally negligent.

Source: Model Penal Code: 1.13.

CHAPTER 2. GENERAL PRINCIPLES OF LIABILITY

Section

2C:2-1. Requirement of Voluntary Act; Omission as Basis of Liability; Possession as an Act.
2C:2-2. General Requirements of Culpability.
2C:2-3. Causal Relationship Between Conduct and Result; Divergence Between Result Designed, Contemplated or Risked and Actual Result.
2C:2-4. Ignorance or Mistake.
2C:2-5. Defenses Generally.
2C:2-6. Liability for Conduct of Another; Complicity.
2C:2-7. Liability of Corporations and Persons Acting, or Under a Duty to Act, in Their Behalf.
2C:2-8. Intoxication.
2C:2-9. Duress.
2C:2-10. Consent.
2C:2-11. De Minimis Infractions.
2C:2-12. Entrapment.

C. 2C:2-1 Requirement of Voluntary Act; Omission as Basis of Liability; Possession as an Act.

2C:2-1. Requirement of Voluntary Act; Omission as Basis of Liability; Possession as an Act. a. A person is not guilty of an offense unless his liability is based on conduct which includes a voluntary act or the omission to perform an act of which he is physically capable. A bodily movement that is not a product of the effort or determination of the actor, either conscious or habitual, is not a voluntary act within the meaning of this section.

b. Liability for the commission of an offense may not be based on an omission unaccompanied by action unless:

(1) The omission is expressly made sufficient by the law defining the offense; or

(2) A duty to perform the omitted act is otherwise imposed by law.

c. Possession is an act, within the meaning of this section, if the possessor knowingly procured or received the thing possessed or was aware of his control thereof for a sufficient period to have been able to terminate his possession.

Source: Model Penal Code: 2.01.

C. 2C:2-2 General Requirements of Culpability.

2C:2-2. General Requirements of Culpability. a. Minimum Requirements of Culpability. Except as provided in subsection

c. (3) of this section, a person is not guilty of an offense unless he acted purposely, knowingly, recklessly or negligently, as the law may require, with respect to each material element of the offense.

b. Kinds of culpability defined.

(1) Purposely. A person acts purposely with respect to the nature of his conduct or a result thereof if it is his conscious object to engage in conduct of that nature or to cause such a result. A person acts purposely with respect to attendant circumstances if he is aware of the existence of such circumstances or he believes or hopes that they exist. "With purpose," "designed," "with design" or equivalent terms have the same meaning.

(2) Knowingly. A person acts knowingly with respect to the nature of his conduct or the attendant circumstances if he is aware that his conduct is of that nature, or that such circumstances exist, or he is aware of a high probability of their existence. A person acts knowingly with respect to a result of his conduct if he is aware that it is practically certain that his conduct will cause such a result. "Knowing," "with knowledge" or equivalent terms have the same meaning.

(3) Recklessly. A person acts recklessly with respect to a material element of an offense when he consciously disregards a substantial and unjustifiable risk that the material element exists or will result from his conduct. The risk must be of such a nature and degree that, considering the nature and purpose of the actor's conduct and the circumstances known to him, its disregard involves a gross deviation from the standard of conduct that a reasonable person would observe in the actor's situation. "Recklessness," "with recklessness" or equivalent terms have the same meaning.

(4) Negligently. A person acts negligently with respect to a material element of an offense when he should be aware of a substantial and unjustifiable risk that the material element exists or will result from his conduct. The risk must be of such a nature and degree that the actor's failure to perceive it, considering the nature and purpose of his conduct and the circumstances known to him, involves a gross deviation from the standard of care that a reasonable person would observe in the actor's situation. "Negligently" or "negligence" when used in this code, shall refer to the standard set forth in this section and not to the standard applied in civil cases.

c. Construction of statutes with respect to culpability requirements.

(1) Prescribed culpability requirement applies to all material elements. When the law defining an offense prescribes the kind of culpability that is sufficient for the commission of an offense, without distinguishing among the material elements thereof, such provision shall apply to all the material elements of the offense, unless a contrary purpose plainly appears.

(2) Substitutes for kinds of culpability. When the law provides that a particular kind of culpability suffices to establish an element of an offense such element is also established if a person acts with higher kind of culpability.

(3) Construction of statutes not stating culpability requirement. Although no culpable mental state is expressly designated in a statute defining an offense, a culpable mental state may nevertheless be required for the commission of such offense, or with respect to some or all of the material elements thereof, if the proscribed conduct necessarily involves such culpable mental state. A statute defining a crime, unless clearly indicating a legislative intent to impose strict liability, should be construed as defining a crime with mental culpability. This provision applies to offenses defined both within and outside of this code.

d. Culpability as to illegality of conduct. Neither knowledge nor recklessness nor negligence as to whether conduct constitutes an offense or as to the existence, meaning or application of the law determining the elements of an offense is an element of such offense, unless the definition of the offense or the code so provides.

e. Culpability as determinant of grade of offense. When the grade or degree of an offense depends on whether the offense is committed purposely, knowingly, recklessly or criminally negligently, its grade or degree shall be the lowest for which the determinative kind of culpability is established with respect to any material element of the offense.

Source: Model Penal Code: 2.02.

C. 2C:2-3 Causal Relationship Between Conduct and Result; Divergence Between Result Designed, Contemplated or Risked and Actual Result.

2C:2–3. Causal Relationship Between Conduct and Result; Divergence Between Result Designed, Contemplated or Risked and Actual Result. a. Conduct is the cause of a result when:

(1) It is an antecedent but for which the result in question would not have occurred; and

(2) The relationship between the conduct and result satisfies any additional causal requirements imposed by the code or by the law defining the offense.

b. When the offense requires that the defendant purposely or knowingly cause a particular result, the actual result must be within the design or contemplation, as the case may be, of the actor, or, if not, the actual result must involve the same kind of injury or harm as that designed or contemplated and not be too remote, accidental in its occurrence, or dependent on another's volitional act to have a just bearing on the actor's liability or on the gravity of his offense.

c. When the offense requires that the defendant recklessly or criminally negligently cause a particular result, the actual result must be within the risk of which the actor is aware or, in the case of criminal negligence, of which he should be aware, or, if not, the actual result must involve the same kind of injury or harm as the probable result and must not be too remote, accidental in its occurrence, or dependent on another's volitional act to have a just bearing on the actor's liability or on the gravity of his offense.

d. A defendant shall not be relieved of responsibility for causing a result if the only difference between what actually occurred and what was designed, contemplated or risked is that a different person or property was injured or affected or that a less serious or less extensive injury or harm occurred.

e. When causing a particular result is a material element of an offense for which absolute liability is imposed by law, the element is not established unless the actual result is a probable consequence of the actor's conduct.

Source: Model Penal Code: 2.03.

C. 2C:2-4 Ignorance or Mistake.

2C:2–4. Ignorance or Mistake. a. Ignorance or mistake as to a matter of fact or law is a defense if the defendant reasonably arrived at the conclusion underlying the mistake and:

(1) It negatives the culpable mental state required to establish the offense; or

(2) The law provides that the state of mind established by such ignorance or mistake constitutes a defense.

b. Although ignorance or mistake would otherwise afford a defense to the offense charged, the defense is not available if the defendant would be guilty of another offense had the situation been as he supposed. In such case, however, the ignorance or

mistake of the defendant shall reduce the grade and degree of the offense of which he may be convicted to those of the offense of which he would be guilty had the situation been as he supposed.

c. A belief that conduct does not legally constitute an offense is a defense to a prosecution for that offense based upon such conduct when:

(1) The statute defining the offense is not known to the actor and has not been published or otherwise reasonably made available prior to the conduct alleged; or

(2) The actor acts in reasonable reliance upon an official statement of the law, afterward determined to be invalid or erroneous, contained in (a) a statute, (b) judicial decision, opinion, judgment, or rule, (c) an administrative order or grant of permission, or (d) an official interpretation of the public officer or body charged by law with responsibility for the interpretation, administration or enforcement of the law defining the offense; or

(3) The actor otherwise diligently pursues all means available to ascertain the meaning and application of the offense to his conduct and honestly and in good faith concludes his conduct is not an offense in circumstances in which a law-abiding and prudent person would also so conclude.

The defendant must prove a defense arising under subsection c. of this section by clear and convincing evidence.

Source: Model Penal Code: 2.04.

C. 2C:2-5 Defenses Generally.

2C:2–5. Defenses Generally. Conduct which would otherwise be an offense is excused or alleviated by reason of any defense now provided by law for which neither the code nor other statutory law defining the offense provides exceptions or defenses dealing with the specific situation involved and a legislative purpose to exclude the defense claimed does not otherwise plainly appear.

Source: New.

C. 2C:2-6 Liability for Conduct of Another; Complicity.

2C:2–6. Liability for Conduct of Another; Complicity. a. A person is guilty of an offense if it is committed by his own conduct or by the conduct of another person for which he is legally accountable, or both.

b. A person is legally accountable for the conduct of another person when:

(1) Acting with the kind of culpability that is sufficient for the commission of the offense, he causes an innocent or irresponsible person to engage in such conduct;

(2) He is made accountable for the conduct of such other person by the code or by the law defining the offense;

(3) He is an accomplice of such other person in the commission of an offense; or

(4) He is engaged in a conspiracy with such other person.

c. A person is an accomplice of another person in the commission of an offense if:

(1) With the purpose of promoting or facilitating the commission of the offense; he

(a) Solicits such other person to commit it;

(b) Aids or agrees or attempts to aid such other person in planning or committing it; or

(c) Having a legal duty to prevent the commission of the offense, fails to make proper effort so to do; or

(2) His conduct is expressly declared by law to establish his complicity.

d. A person who is legally incapable of committing a particular offense himself may be guilty thereof if it is committed by another person for whose conduct he is legally accountable, unless such liability is inconsistent with the purpose of the provision establishing his incapacity.

e. Unless otherwise provided by the code or by the law defining the offense, a person is not an accomplice in an offense committed by another person if:

(1) He is a victim of that offense;

(2) The offense is so defined that his conduct is inevitably incident to its commission; or

(3) He terminates his complicity under circumstances manifesting a complete and voluntary renunciation as defined in section 2C:5–1 d. prior to the commission of the offense. Termination by renunciation is an affirmative defense which the defendant must prove by a preponderance of evidence.

f. An accomplice may be convicted on proof of the commission of the offense and of his complicity therein, though the person claimed to have committed the offense has not been prosecuted or convicted or has been convicted of a different offense or degree

of offense or has an immunity to prosecution or conviction or has been acquitted.

Source: N. J. S. 2A:85–2; 2A:85–14; Model Penal Code: 2.06.

C. 2C:2-7 Liability of Corporations and Persons Acting, or Under a Duty to Act, in Their Behalf.

2C:2–7. Liability of Corporations and Persons Acting, or Under a Duty to Act, in Their Behalf. a. A corporation may be convicted of the commission of an offense if:

(1) The conduct constituting the offense is engaged in by an agent of the corporation while acting within the scope of his employment and in behalf of the corporation unless the offense is one defined by a statute which indicates a legislative purpose not to impose criminal liability on corporations. If the law governing the offense designates the agents for whose conduct the corporation is accountable or the circumstances under which it is accountable, such provisions shall apply;

(2) The offense consists of an omission to discharge a specific duty of affirmative performance imposed on corporations by law; or

(3) The conduct constituting the offense is engaged in, authorized, solicited, requested, commanded, or recklessly tolerated by the board of directors or by a high managerial agent acting within the scope of his employment and in behalf of the corporation.

b. As used in this section:

(1) "Corporation" does not include an entity organized as or by a governmental agency for the execution of a governmental program;

(2) "Agent" means any director, officer, servant, employee or other person authorized to act in behalf of the corporation;

(3) "High managerial agent" means an officer of a corporation or any other agent of a corporation having duties of such responsibility that his conduct may fairly be assumed to represent the policy of the corporation.

c. In any prosecution of a corporation for the commission of an offense included within the terms of subsection a. (1) of this section, other than an offense for which absolute liability has been imposed, it shall be a defense if the defendant proves by a preponderance of evidence that the high managerial agent having supervisory responsibility over the subject matter of the offense employed due diligence to prevent its commission. This paragraph shall not apply if it is plainly inconsistent with the legislative purpose in defining the particular offense.

d. Nothing in this section imposing liability upon a corporation shall be construed as limiting the liability for an offense of an individual by reason of his being an agent of the corporation.

Source: Model Penal Code: 2.07.

C. 2C:2-8 Intoxication.

2C:2–8. Intoxication. a. Except as provided in subsection d. of this section, intoxication of the actor is not a defense unless it negatives an element of the offense.

b. When recklessness establishes an element of the offense, if the actor, due to self-induced intoxication, is unaware of a risk of which he would have been aware had he been sober, such unawareness is immaterial.

c. Intoxication does not, in itself, constitute mental disease within the meaning of chapter 4.

d. Intoxication which (1) is not self-induced or (2) is pathological is an affirmative defense if by reason of such intoxication the actor at the time of his conduct lacks substantial and adequate capacity either to appreciate its wrongfulness or to conform his conduct to the requirement of law.

e. Definitions. In this section unless a different meaning plainly is required:

(1) "Intoxication" means a disturbance of mental or physical capacities resulting from the introduction of substances into the body;

(2) "Self-induced intoxication" means intoxication caused by substances which the actor knowingly introduces into his body, the tendency of which to cause intoxication he knows or ought to know, unless he introduces them pursuant to medical advice or under such circumstances as would afford a defense to a charge of crime;

(3) "Pathological intoxication" means intoxication grossly excessive in degree, given the amount of the intoxicant, to which the actor does not know he is susceptible.

Source: Model Penal Code: 2.08.

C. 2C:2-9 Duress.

2C:2–9. Duress. a. Subject to subsection b. of this section, it is an affirmative defense that the actor engaged in the conduct charged to constitute an offense because he was coerced to do so by the use of, or a threat to use, unlawful force against his person or the person of another, which a person of reasonable firmness in his situation would have been unable to resist.

b. The defense provided by this section is unavailable if the actor recklessly placed himself in a situation in which it was probable that he would be subjected to duress. The defense is also unavailable if he was criminally negligent in placing himself in such a situation, whenever criminal negligence suffices to establish culpability for the offense charged. In a prosecution for murder, the defense is only available to reduce the degree of the crime to manslaughter.

c. It is not a defense that a woman acted on the command of her husband, unless she acted under such coercion as would establish a defense under this section. The presumption that a woman, acting in the presence of her husband, is coerced is abolished.

Source: N. J. S. 2A:85–3; Model Penal Code: 2.09.

C. 2C:2-10 Consent.

2C:2–10. Consent. a. In general. The consent of the victim to conduct charged to constitute an offense or to the result thereof is a defense if such consent negatives an element of the offense or precludes the infliction of the harm or evil sought to be prevented by the law defining the offense.

b. Consent to bodily harm. When conduct is charged to constitute an offense because it causes or threatens bodily harm, consent to such conduct or to the infliction of such harm is a defense if:

(1) The bodily harm consented to or threatened by the conduct consented to is not serious; or

(2) The conduct and the harm are reasonably foreseeable hazards of joint participation in a concerted activity of a kind not forbidden by law; or

(3) The consent establishes a justification for the conduct under chapter 3 of the code.

c. Ineffective consent. Unless otherwise provided by the code or by the law defining the offense, assent does not constitute consent if:

(1) It is given by a person who is legally incompetent to authorize the conduct charged to constitute the offense; or

(2) It is given by a person who by reason of youth, mental disease or defect or intoxication is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature of harmfulness of the conduct charged to constitute an offense; or

(3) It is induced by force, duress or deception of a kind sought to be prevented by the law defining the offense.

Source: Model Penal Code: 2.11.

C. 2C:2-11 De Minimis Infractions.

2C:2–11. De Minimis Infractions. The assignment judge may dismiss a prosecution if, having regard to the nature of the conduct charged to constitute an offense and the nature of the attendant circumstances, it finds that the defendant's conduct:

a. Was within a customary license or tolerance, neither expressly negated by the person whose interest was infringed nor inconsistent with the purpose of the law defining the offense;

b. Did not actually cause or threaten the harm or evil sought to be prevented by the law defining the offense or did so only to an extent too trivial to warrant the condemnation of conviction; or

c. Presents such other extenuations that it cannot reasonably be regarded as envisaged by the Legislature in forbidding the offense. The assignment judge shall not dismiss a prosecution under this section without giving the prosecutor notice and an opportunity to be heard. The prosecutor shall have a right to appeal any such dismissal.

Source: Model Penal Code: 2.12.

C. 2C:2-12 Entrapment.

2C:2–12. Entrapment. a. A public law enforcement official or a person engaged in cooperation with such an official or one acting as an agent of a public law enforcement official perpetrates an entrapment if for the purpose of obtaining evidence of the commission of an offense, he induces or encourages and, as a direct result, causes another person to engage in conduct constituting such offense by either:

(1) Making knowingly false representations designed to induce the belief that such conduct is not prohibited; or

(2) Employing methods of persuasion or inducement which create a substantial risk that such an offense will be committed by persons other than those who are ready to commit it.

b. Except as provided in subsection c. of this section, a person prosecuted for an offense shall be acquitted if he proves by a preponderance of evidence that his conduct occurred in response to an entrapment. The issue of entrapment shall be tried by the jury.

c. The defense afforded by this section is unavailable when causing or threatening bodily injury is an element of the offense charged and the prosecution is based on conduct causing or threatening such injury to a person other than the person perpetrating the entrapment.

Source: Model Penal Code: 2.13.

CHAPTER 3. GENERAL PRINCIPLES OF JUSTIFICATION

Section

2C:3-1. Justification an Affirmative Defense; Civil Remedies Unaffected.
2C:3-2. Necessity and Other Justifications in General.
2C:3-3. Execution of Public Duty.
2C:3-4. Use of Force in Self-Protection.
2C:3-5. Use of Force for the Protection of Other Persons.
2C:3-6. Use of Force in Defense of Premises or Personal Property.
2C:3-7. Use of Force in Law Enforcement.
2C:3-8. Use of Force by Persons With Special Responsibility for Care, Discipline or Safety of Others.
2C:3-9. Mistake of Law as to Unlawfulness of Force or Legality of Arrest; Reckless or Negligent Use of Excessive But Otherwise Justifiable Force; Reckless or Negligent Injury or Risk of Injury to Innocent Persons.
2C:3-10. Justification in Property Crimes.
2C:3-11. Definitions.

C. 2C:3-1 Justification an Affirmative Defense; Civil Remedies Unaffected.

2C:3-1. Justification an Affirmative Defense; Civil Remedies Unaffected. a. In any prosecution based on conduct which is justifiable under this chapter, justification is an affirmative defense.

b. The fact that conduct is justifiable under this chapter does not abolish or impair any remedy for such conduct which is available in any civil action.

Source: Model Penal Code: 3.01.

C. 2C:3-2 Necessity and Other Justifications in General.

2C:3-2. Necessity and Other Justifications in General. a. Necessity. Conduct which would otherwise be an offense is justifiable by reason of necessity to the extent permitted by law and as to which neither the code nor other statutory law defining the offense provides exceptions or defenses dealing with the specific situation involved and a legislative purpose to exclude the justification claimed does not otherwise plainly appear.

b. Other justifications in general. Conduct which would otherwise be an offense is justifiable by reason of any defense of justification provided by law for which neither the code nor other statutory law defining the offense provides exceptions or defenses dealing with the specific situation involved and a legislative pur-

pose to exclude the justification claimed does not otherwise plainly appear.

Source: Model Penal Code: 3.02.

C. 2C:3-3 Execution of Public Duty.

2C:3–3. Execution of Public Duty. a. Except as provided in subsection b. of this section, conduct is justifiable when it is required or authorized by:

(1) The law defining the duties or functions of a public officer or the assistance to be rendered to such officer in the performance of his duties;

(2) The law governing the execution of legal process;

(3) The judgment or order of a competent court or tribunal;

(4) The law governing the armed services or the lawful conduct of war; or

(5) Any other provision of law imposing a public duty.

b. The other sections of this chapter apply to:

(1) The use of force upon or toward the person of another for any of the purposes dealt with in such sections; and

(2) The use of deadly force for any purpose, unless the use of such force is otherwise expressly authorized by law.

c. The justification afforded by subsection a. of this section applies:

(1) When the actor reasonably believes his conduct to be required or authorized by the judgment or direction of a competent court or tribunal or in the lawful execution of legal process, notwithstanding lack of jurisdiction of the court or defect in the legal process; and

(2) When the actor reasonably believes his conduct to be required or authorized to assist a public officer in the performance of his duties, notwithstanding that the officer exceeded his legal authority.

Source: Model Penal Code: 3.03.

C. 2C:3-4 Use of Force in Self-Protection.

2C:3–4. Use of Force in Self-Protection. a. Use of force justifiable for protection of the person. Subject to the provisions of this section and of section 2C:3–9, the use of force upon or toward another person is justifiable when the actor reasonably believes that such force is immediately necessary for the purpose of protecting himself against the use of unlawful force by such other person on the present occasion.

b. Limitations on justifying necessity for use of force.

(1) The use of force is not justifiable under this section:

(a) To resist an arrest which the actor knows is being made by a peace officer in the performance of his duties, although the arrest is unlawful, unless the peace officer employs unlawful force to effect such arrest; or

(b) To resist force used by the occupier or possessor of property or by another person on his behalf, where the actor knows that the person using the force is doing so under a claim of right to protect the property, except that this limitation shall not apply if:

(i) The actor is a public officer acting in the performance of his duties or a person lawfully assisting him therein or a person making or assisting in a lawful arrest;

(ii) The actor has been unlawfully dispossessed of the property and is making a reentry or recaption justified by section 2C:3-6; or

(iii) The actor reasonably believes that such force is necessary to protect himself against death or serious bodily harm.

(2) The use of deadly force is not justifiable under this section unless the actor reasonably believes that such force is necessary to protect himself against death or serious bodily harm; nor is it justifiable if:

(a) The actor, with the purpose of causing death or serious bodily harm, provoked the use of force against himself in the same encounter; or

(b) The actor knows that he can avoid the necessity of using such force with complete safety by retreating or by surrendering possession of a thing to a person asserting a claim of right thereto or by complying with a demand that he abstain from any action which he has no duty to take, except that:

(i) The actor is not obliged to retreat from his dwelling, unless he was the initial aggressor or is assailed in his dwelling by another person whose dwelling the actor knows it to be; and

(ii) A public officer justified in using force in the performance of his duties or a person justified in using force in his assistance or a person justified in using force in making an arrest or preventing an escape is not obliged to desist from efforts to perform such duty, effect such arrest or prevent such escape because of resistance or threatened resistance by or on behalf of the person against whom such action is directed.

(3) Except as required by paragraphs (1) and (2) of this subsection, a person employing protective force may estimate the necessity of using force when the force is used, without retreating, surrendering possession, doing any other act which he has no legal duty to do or abstaining from any lawful action.

Source: N. J. S. 2A:113–6; Model Penal Code: 3.04.

C. 2C:3-5 Use of Force for the Protection of Other Persons.

2C:3–5. Use of Force for the Protection of Other Persons. a. Subject to the provisions of this section and of section 2C:3–9, the use of force upon or toward the person of another is justifiable to protect a third person when:

(1) The actor would be justified under section 2C:3–4 in using such force to protect himself against the injury he believes to be threatened to the person whom he seeks to protect; and

(2) Under the circumstances as the actor reasonably believes them to be, the person whom he seeks to protect would be justified in using such protective force; and

(3) The actor reasonably believes that his intervention is necessary for the protection of such other person.

b. Notwithstanding subsection a. of this section:

(1) When the actor would be obliged under section 2C:3–4 b. (2) (b) to retreat or take other action he is not obliged to do so before using force for the protection of another person, unless he knows that he can thereby secure the complete safety of such other person, and

(2) When the person whom the actor seeks to protect would be obliged under section 2C:3–4 b. (2) (b) to retreat or take similar action if he knew that he could obtain complete safety by so doing, the actor is obliged to try to cause him to do so before using force in his protection if the actor knows that he can obtain complete safety in that way; and

(3) Neither the actor nor the person whom he seeks to protect is obliged to retreat when in the other's dwelling to any greater extent than in his own.

Source: N. J. S. 2A:113–6; Model Penal Code: 3.05.

C. 2C:3-6 Use of Force in Defense of Premises or Personal Property.

2C:3–6. Use of Force in Defense of Premises or Personal Property. a. Use of force in defense of premises. Subject to the provisions of this section and of section 2C:3–9, the use of force upon or toward the person of another is justifiable when the actor

is in possession or control of premises or is licensed or privileged to be thereon and he reasonably believes such force necessary to prevent or terminate what he reasonably believes to be the commission or attempted commission of a criminal trespass by such other person in or upon such premises.

b. Limitations on justifiable use of force in defense of premises.

(1) Request to desist. The use of force is justifiable under this section only if the actor first requests the person against whom such force is used to desist from his intereference with the property, unless the actor reasonably believes that:

(a) Such request would be useless;

(b) It would be dangerous to himself or another person to make the request; or

(c) Substantial harm will be done to the physical condition of the property which is sought to be protected before the request can effectively be made.

(2) Exclusion of trespasser. The use of force is not justifiable under this section if the actor knows that the exclusion of the trespasser will expose him to substantial danger of serious bodily harm.

(3) Use of deadly force. The use of deadly force is not justifiable under subsection a. of this section unless the actor reasonably believes that:

(a) The person against whom the force is used is attempting to dispossess him of his dwelling otherwise than under a claim of right to its possession; or

(b) The person against whom the force is used is attempting to commit or consummate arson, burglary, robbery or other criminal theft or property destruction; except that

(c) Deadly force does not become justifiable under subsections (a) and (b) of this subsection unless:

(i) The person against whom it is employed has employed or threatened deadly force against or in the presence of the actor; or

(ii) The use of force other than deadly force to prevent the commission or the consummation of the crime would expose the actor or another in his presence to substantial danger of serious bodily harm.

c. Use of force in defense of personal property. Subject to the provisions of subsection d. of this section and of section 2C:3-9,

the use of force upon or toward the person of another is justifiable when the actor reasonably believes it necessary to prevent what he reasonably believes to be an attempt by such other person to commit theft, criminal mischief or other criminal interference with personal property in his possession or in the possession of another for whose protection he acts.

d. Limitations on justifiable use of force in defense of personal property.

(1) Request to desist and exclusion of trespasser. The limitations of subsection b. (1) and (2) of this section apply to subsection c. of this section.

(2) Use of deadly force. The use of deadly force in defense of personal property is not justified unless justified under another provision of this chapter.

Source: N. J. S. 2A:113–6; Model Penal Code: 3.06.

C. 2C:3-7 Use of Force in Law Enforcement.

2C:3–7. Use of Force in Law Enforcement. a. Use of force justifiable to effect an arrest. Subject to the provisions of this section and of section 2C:3–9, the use of force upon or toward the person of another is justifiable when the actor is making or assisting in making an arrest and the actor reasonably believes that such force is immediately necessary to effect a lawful arrest.

b. Limitations on the use of force.

(1) The use of force is not justifiable under this section unless:

(a) The actor makes known the purpose of the arrest or reasonably believes that it is otherwise known by or cannot reasonably be made known to the person to be arrested; and

(b) When the arrest is made under a warrant, the warrant is valid or reasonably believed by the actor to be valid.

(2) The use of deadly force is not justifiable under this section unless:

(a) The actor effecting the arrest is authorized to act as a peace officer or has been summoned by and is assisting a person whom he reasonably believes to be authorized to act as a peace officer; and

(b) The actor reasonably believes that the force employed creates no substantial risk of injury to innocent persons; and

(c) The actor reasonably believes that the crime for which the arrest is made was homicide, kidnapping, an offense under 2C:14–2 or 2C:14–3, arson, robbery, burglary of an occupied dwelling, or an attempt to commit one of these crimes; and

(d) The actor reasonably believes:

(i) There is an imminent threat of deadly force to himself or a third party;

(ii) The use of deadly force is necessary to thwart the commission of a crime as set forth in subparagraph (c) of this paragraph; or

(iii) The use of deadly force is necessary to prevent an escape.

c. Use of force to prevent escape from custody. The use of force to prevent the escape of an arrested person from custody is justifiable when the force could, under subsections a. and b. of this section, have been employed to effect the arrest under which the person is in custody. A correction officer or other person authorized to act as a peace officer is, however, justified in using any force including deadly force, which he reasonably believes to be immediately necessary to prevent the escape of a person committed to a jail, prison, or other institution for the detention of persons charged with or convicted of an offense so long as the actor believes that the force employed creates no substantial risk of injury to innocent persons.

d. Use of force by private person assisting an unlawful arrest. (1) A private person who is summoned by a peace officer to assist in effecting an unlawful arrest is justified in using any force which he would be justified in using if the arrest were lawful, provided that he does not believe the arrest is unlawful.

(2) A private person who assists another private person in effecting an unlawful arrest, or who, not being summoned, assists a peace officer in effecting an unlawful arrest, is justified in using any force which he would be justified in using if the arrest were lawful, provided that (a) he reasonably believes the arrest is lawful, and (b) the arrest would be lawful if the facts were as he believes them to be and such belief is reasonable.

e. Use of force to prevent suicide or the commission of a crime. The use of force upon or toward the person of another is justifiable when the actor reasonably believes that such force is immediately necessary to prevent such other person from committing suicide, inflicting serious bodily harm upon himself, committing or consummating the commission of a crime involving or threatening bodily harm, damage to or loss of property or a breach of the peace, except that:

(1) Any limitations imposed by the other provisions of this chapter on the justifiable use of force in self-protection, for the protection of others, the protection of property, the effectuation of an arrest or the prevention of an escape from custody shall apply notwithstanding the criminality of the conduct against which such force is used; and

(2) The use of deadly force is not in any event justifiable under this subsection unless the actor reasonably believes that it is likely that the person whom he seeks to prevent from committing a crime will endanger human life or inflict serious physical injury upon another unless the commission or the consummation of the crime is prevented and that the use of such force presents no substantial risk of injury to innocent persons.

Source: N. J. S. 2A:113–6; Model Penal Code: 3.07.

C. 2C:3-8 Use of Force by Persons With Special Responsibility for Care, Discipline or Safety of Others.

2C:3–8. Use of Force by Persons With Special Responsibility for Care, Discipline or Safety of Others. The use of force upon or toward the person of another is justifiable as permitted by law or as would be a defense in a civil action based thereon where the actor has been vested or entrusted with special responsibility for the care, supervision, discipline or safety of another or of others and the force is used for the purpose of and, subject to section 2C:3–9 (b), to the extent necessary to further that responsibility, unless:

a. The code or the law defining the offense deals with the specific situation involved; or

b. A legislative purpose to exclude the justification claimed otherwise plainly appears; or

c. Deadly force is used, in which case such force must be otherwise justifiable under the provisions of this chapter.

Source: Model Penal Code: 3.08.

C. 2C:3-9 Mistake of Law as to Unlawfulness of Force or Legality of Arrest; Reckless or Negligent Use of Excessive But Otherwise Justifiable Force; Reckless or Negligent Injury or Risk of Injury to Innocent Persons.

2C:3–9. Mistake of Law as to Unlawfulness of Force or Legality of Arrest; Reckless or Negligent Use of Excessive But Otherwise Justifiable Force; Reckless or Negligent Injury or Risk of Injury to Innocent Persons. a. The justification afforded by sections 2C:3–4 to 2C:3–7 is unavailable when:

(1) The actor's belief in the unlawfulness of the force or conduct against which he employs protective force or his belief in the lawfulness of an arrest which he endeavors to effect by force is erroneous; and

(2) His error is due to ignorance or mistake as to the provisions of the code, any other provisions of the criminal law or the law governing the legality of an arrest or search.

b. When the actor believes that the use of force upon or toward the person of another is necessary for any of the purposes for which such belief would establish a justification under sections 2C:3-3 to 2C:3-8 but the actor is reckless or negligent in having such belief or in acquiring or failing to acquire any knowledge or belief which is material to the justifiability of his use of force, the justification afforded by those sections shall not prevent the actor being found guilty of an offense for which recklessness or negligence, as the case may be, suffices to establish culpability.

c. When the actor is justified under sections 2C:3-3 to 2C:3-8 in using force upon or toward the person of another but he recklessly or negligently injures or creates a risk of injury to innocent persons, the justification afforded by those sections is unavailable in a prosecution for such recklessness or negligence towards innocent persons.

Source: Model Penal Code: 3.09.

C. 2C:3-10 Justification in Property Crimes.

2C:3-10. Justification in Property Crimes. Conduct involving the appropriation, seizure or destruction of, damage to, intrusion on, or interference with, property is justifiable under circumstances which would establish a defense of privilege in a civil action based thereon, unless:

a. The code or the law defining the offense deals with the specific situation involved; or

b. A legislative purpose to exclude the justification claimed otherwise plainly appears.

Source: Model Penal Code: 3.10.

C. 2C:3-11 Definitions.

2C:3-11. Definitions. In this chapter, unless a different meaning plainly is required: a. "Unlawful force" means force, including confinement, which is employed without the consent of the person against whom it is directed and the employment of which constitutes an offense or actionable tort or would constitute such

offense or tort except for a defense (such as the absence of intent, negligence, or mental capacity; duress, youth, or diplomatic status) not amounting to a privilege to use the force. Assent constitutes consent, within the meaning of this section, whether or not it otherwise is legally effective, except assent to the infliction of death or serious bodily harm.

b. "Deadly force" means force which the actor uses with the purpose of causing or which he knows to create a substantial risk of causing death or serious bodily harm. Purposely firing a firearm in the direction of another person or at a vehicle, building or structure in which another person is believed to be constitutes deadly force. A threat to cause death or serious bodily harm, by the production of a weapon or otherwise, so long as the actor's purpose is limited to creating an apprehension that he will use deadly force if necessary, does not constitute deadly force.

c. "Dwelling" means any building or structure, though movable or temporary, or a portion thereof, which is for the time being the actor's home or place of lodging.

d. "Serious bodily harm" means bodily harm which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ or which results from aggravated rape or aggravated sodomy.

Source: Model Penal Code: 3.11

CHAPTER 4. RESPONSIBILITY

Section

2C:4–1. Insanity Defense.

2C:4–2. Evidence of Mental Disease or Defect Admissible When Relevant to Element of the Offense.

2C:4–3. Requirement of Notice.

2C:4–4. Mental Disease or Defect Excluding Fitness to Proceed.

2C:4–5. Psychiatric Examination of Defendant With Respect to Fitness to Proceed.

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2C:4–7. Disposition.

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Section

2C:4–9. Release of Persons Committed by Reason of Mental Disease or Defect.

2C:4–10. Statements for Purposes of Examination or Treatment Inadmissible Except on Issue of Mental Condition.

2C:4–11. Immaturity Excluding Criminal Conviction; Transfer of Proceedings to Juvenile Court.

C. 2C:4-1 Insanity Defense.

2C:4–1. Insanity Defense. A person is not criminally responsible for conduct if at the time of such conduct he was laboring under such a defect of reason, from disease of the mind as not to know the nature and quality of the act he was doing, or if he did know it, that he did not know what he was doing was wrong.

Source: N. J. S. 2A:163–2 and 2A:163–3.

C. 2C:4-2 Evidence of Mental Disease or Defect Admissible When Relevant to Element of the Offense.

2C:4–2. Evidence of Mental Disease or Defect Admissible When Relevant to Element of the Offense. a. Evidence that the defendant suffered from a mental disease or defect is admissible whenever it is relevant to prove that the defendant did not have a state of mind which is an element of the offense.

b. Whenever evidence is admitted under subsection a. of this section, the prosecution may thereafter offer evidence in rebuttal.

Source: Model Penal Code: 4.02.

C. 2C:4-3 Requirement of Notice.

2C:4–3. Requirement of Notice.

a. Mental disease or defect excluding responsibility is an affirmative defense to be proved by the accused by a preponderance of the evidence.

b. If a defendant intends to claim insanity or mental infirmity as a defense, he shall serve notice of such intention upon the prosecuting attorney in accordance with the Rules of Court.

c. When a defendant is acquitted on the ground of mental disease or defect excluding responsibility, the verdict and judgment shall so state.

Source: N. J. S. 2A:163–3; Model Penal Code: 4.03.

C. 2C:4-4 Mental Disease or Defect Excluding Fitness to Proceed.

2C:4–4. Mental Disease or Defect Excluding Fitness to Proceed.

a. No person who as a result of mental disease or defect lacks capacity to understand the proceedings against him or to assist in

his own defense shall be tried, convicted or sentenced for the commission of an offense so long as such incapacity endures.

b. A person shall be considered mentally competent to stand trial on criminal charges if the proofs shall establish:

(1) That the defendant has the mental capacity to appreciate his presence in relation to time, place and things; and

(2) That his elementary mental processes are such that he comprehends:

(a) That he is in a court of justice charged with a criminal offense;

(b) That there is a judge on the bench;

(c) That there is a prosecutor present who will try to convict him of a criminal charge;

(d) That he has a lawyer who will undertake to defend him against that charge;

(e) That he will be expected to tell to the best of his mental ability the facts surrounding him at the time and place where the alleged violation was committed if he chooses to testify and understands the right not to testify;

(f) That there is or will be a jury present to pass upon evidence adduced as to guilt or innocence of such charge or, that if he should choose to enter into plea negotiations or to plead guilty, that he comprehend the consequences of a guilty plea and that he be able to knowingly, intelligently, and voluntarily waive those rights which are waived upon such entry of a guilty plea; and

(g) That he has the ability to participate in an adequate presentation of his defense.

Source: N. J. S. 2A:163-2; Model Penal Code: 4.04.

C. 2C:4-5 Psychiatric Examination of Defendant With Respect to Fitness to Proceed.

2C:4-5. Psychiatric Examination of Defendant With Respect to Fitness to Proceed. a. Whenever there is reason to doubt the defendant's fitness to proceed, the court may on motion by the prosecutor, the defendant or on its own motion, appoint at least one qualified psychiatrist to examine and report upon the mental condition of the defendant. The psychiatrist so appointed shall be either:

(1) From a list agreed to by the court, the prosecutor and the defendant; or

(2) Agreed to by the court, prosecutor and defendant. The court may order the defendant to be committed to a hospital or

other suitable facility for the purpose of the examination for a period of not exceeding 30 days. A qualified psychiatrist retained by the defendant or by the prosecution shall, if requested, be permitted to examine the defendant. Upon showing of particular need, upon motion, the court may order commitment for an additional period not exceeding 15 days.

b. The report of the examination shall include at least the following: (1) a description of the nature of the examination; (2) a diagnosis of the mental condition of the defendant; (3) if the defendant suffers from a mental disease or defect, an opinion as to his capacity to understand the proceedings against him and to assist in his own defense. The examining psychiatrist or psychiatrists may ask questions respecting the crime charged when such questions are necessary to enable formation of an opinion as to a relevant issue, however, the evidentiary character of any inculpatory statement shall be limited expressly to the question of competency and shall not be admissible on the issue of guilt.

c. If the examination cannot be conducted by reason of the unwillingness of the defendant to participate therein, the report shall so state and shall include, if possible, an opinion as to whether such unwillingness of the defendant was the result of mental disease or defect. Upon the filing of such a report, the Court may permit examination without cooperation, may appoint a different psychiatrist, or may commit the defendant for observation for a period not exceeding 30 days except on good cause shown, or exclude or limit testimony by the defense psychiatrist.

d. The report of the examination shall be sent by the psychiatrist to the court, the prosecutor and counsel for the defendant.

Source: Model Penal Code: 4.05.

C. 2C:4-6 Determination of Fitness to Proceed; Effect of Finding of Unfitness; Proceedings if Fitness is Regained; Post-Commitment Hearing.

2C:4–6. Determination of Fitness to Proceed; Effect of Finding of Unfitness; Proceedings if Fitness is Regained; Post-Commitment Hearing. a. When the issue of the defendant's fitness to proceed is raised, the issue shall be determined by the court. If neither the prosecutor nor counsel for the defendant contests the finding of the report filed pursuant to section 2C:4–5, the court may make the determination on the basis of such report. If the finding is contested or if there is no report, the court shall hold a hearing on the issue. If the report is received in evidence upon such hearing, either party shall have the right to summon and examine the

psychiatrists who joined in the report and to offer evidence upon the issue.

b. If the court determines that the defendant lacks fitness to proceed, the proceeding against him shall be suspended, except as provided in subsection c. of this section. At this time, the court may commit him to the custody of the Commissioner of Human Services to be placed in an appropriate institution if it is found that the defendant is so dangerous to himself or others as to require institutionalization, or it shall proceed to determine whether placement in an out-patient setting or release is appropriate; provided, however, that no commitment to any institution shall be in excess of such period of time during which it can be determined whether it is substantially probable that the defendant could regain his competence within the foreseeable future.

c. If the defendant has not regained his fitness to proceed within such time as the court may deem adequate from the time that it was determined that the defendant lacked such fitness, the court shall after a hearing, if one is requested, dismiss the charges and either order the defendant discharged, or, subject to law governing civil commitment of persons suffering from mental disease or defect, order the defendant committed to an appropriate institution. When the charges are not dismissed, each defendant's case shall be specifically reviewed by the court at 6-month intervals until an order is made by the court that the defendant stand trial or that the charges be dismissed.

d. When the court, on its own motion or upon application of the commissioner, his designee or either party, determines after a hearing, if a hearing is requested, that the defendant has regained fitness to proceed, the proceedings shall be resumed.

e. When the court, on its own motion or upon application to the commissioner, his designee, or either party, determines after a hearing, if a hearing is requested, that the defendant has not regained fitness to proceed, the court may order the institution of civil commitment proceedings, or, if it is found that the defendant may be paroled or released on condition without danger to himself or to others, the court may so order. If it is determined that it is not substantially probable that the defendant will regain his competence in the foreseeable future, the court may dismiss the charge and either order the defendant to be discharged, or, subject to the law governing the civil commitment of persons suffering from mental disease or defect, order the defendant committed to an appropriate institution.

f. The fact that the defendant is unfit to proceed does not preclude determination of any legal objection to the prosecution which is susceptible of fair determination prior to trial and without the personal participation of the defendant.

Source: N. J. S. 2A:163–2; R. S. 30:4–82 amended 1953, c. 29, s. 40; 1956, c. 43; 1965, c. 59, s. 67; Model Penal Code: 4.06.

C. 2C:4-7 Disposition.

2C:4–7. Disposition. If a defendant is acquitted by reason of insanity the court shall dispose of the case as provided for in section 2C:4–8 of this chapter.

Source: N. J. S. 2A:163–2; R. S. 30:4–82 amended 1953, c. 29, s. 40; 1956, c. 43; 1965, c. 59, s. 67; Model Penal Code: 4.07.

C. 2C:4-8 Commitment of a Person by Reason of Mental Disease or Defect.

2C:4–8. Commitment of a Person by Reason of Mental Disease or Defect. a. After acquittal by reason of insanity or mental defect, the court shall order that the defendant undergo a psychiatric examination by a psychiatrist of the prosecutor's choice. If the examination cannot take place because of the unwillingness of the defendant to participate, the court shall proceed as in section 2C:4–5c. The defendant, pursuant to this section, may also be examined by a psychiatrist of his own choice.

b. The court shall dispose of the defendant in the following manner:

(1) If the court finds that the defendant may be released without danger to the community or himself without supervision, the court shall so release the defendant; or

(2) If the court finds that the defendant may be released without danger to the community or to himself under supervision or under conditions, the court shall so order; or

(3) If the court finds that the defendant cannot be released with or without supervision or conditions without posing a danger to the community or to himself, it shall commit the defendant to a mental health facility approved for this purpose by the Commissioner of Human Services for an indeterminate term not to exceed the maximum term of imprisonment provided by law for the crime of which the defendant has been acquitted.

c. No person committed under this section shall be confined within any penal or correctional institution or any part thereof.

Source: Model Penal Code: 4.08.

C. 2C:4-9 Release of Persons Committed by Reason of Mental Disease or Defect.

2C:4-9. Release of Persons Committed by Reason of Mental Disease or Defect. a. If a person has been committed because of dangerousness to the community and if the commissioner, or his designee, or the superintendent of the institution to which the person has been committed, is of the view that a person committed to his custody, pursuant to section 2C:4-8, may be discharged or released on condition without danger to himself or to others, or that he may be transferred to a less restrictive setting for treatment, the commissioner or superintendent shall make application for the discharge or release of such person in a report to the court by which such person was committed and shall transmit a copy of such application and report to the prosecutor, the court, and defense counsel. The court may, in its discretion, appoint at least two qualified psychiatrists, neither of whom may be on the staff of the hospital to which the defendant had been committed, to examine such person and to report within 30 days, or such longer period as the court determines to be necessary for the purpose, their opinion as to his mental condition.

b. If the court is satisfied by the report filed pursuant to subsection a. of this section and such testimony of the reporting psychiatrists as the court deems necessary that the committed person may be discharged, released on condition without danger to himself or others, or treated as in civil commitment the court shall order his discharge, his release on such conditions as the court determines to be necessary or his transfer. If the court is not so satisfied, it shall promptly order a hearing to determine whether such person may safely be discharged, released or transferred. Any such hearing shall be deemed a civil proceeding. According to the determination of the court upon the hearing, the court shall proceed as in section 2C:4-8 b. (1), (2) or (3).

c. A committed person may make application for his discharge or release to the court by which he was committed, and the procedure to be followed upon such application shall be the same as that prescribed above in the case of an application by the commissioner.

d. Each defendant's case shall be specifically reviewed by the committing court at 6-month intervals until the expiration of the maximum period pursuant to subsection b. (3) of section 2C:4-8. At the expiration of that maximum, the defendant must be discharged; however, the State or other properly specified party

may then choose to bring an involuntary civil commitment action pursuant to R. S. 30:4–25 et seq.

Source: Model Penal Code: 4.08.

C. 2C:4-10 Statements for Purposes of Examination or Treatment Inadmissible Except on Issue of Mental Condition.

2C:4–10. Statements for Purposes of Examination or Treatment Inadmissible Except on Issue of Mental Condition. A statement made by a person subjected to psychiatric examination or treatment pursuant to sections 2C:4–5, 2C:4–6 or 2C:4–9 for the purposes of such examination or treatment shall not be admissible in evidence against him in any criminal proceeding on any issue other than that of his mental condition but it shall be admissible upon that issue, whether or not it would otherwise be deemed a privileged communication. When such a statement constitutes an admission of guilt of the crime charged or of an element thereof, it shall only be admissible where it appears at trial that conversations with the examining psychiatrist were necessary to enable him to form an opinion as to a matter in issue.

Source: Model Penal Code: 4.09.

C. 2C:4-11 Immaturity Excluding Criminal Conviction; Transfer of Proceedings to Juvenile Court.

2C:4–11. Immaturity Excluding Criminal Conviction; Transfer of Proceedings to Juvenile Court. a. A person shall not be tried for or convicted of an offense if:

(1) At the time of the conduct charged to constitute the offense he was less than 14 years of age, in which case the juvenile and domestic relations court shall have exclusive jurisdiction; or

(2) At the time of the conduct charged to constitute the offense he was 14, 15, 16, or 17 years of age, unless:

(a) The juvenile and domestic relations court has no jurisdiction over him;

(b) The juvenile and domestic relations court has, pursuant to P. L. 1973, c. 306, s. 7 (C. 2A:4–48), entered an order waiving jurisdiction and referring the case to the county prosecutor for the institution of criminal proceedings against him;

(c) The juvenile has, pursuant to P. L. 1973, c. 306, s. 8 (C. 2A:4–49), demanded indictment and trial by jury.

b. No court shall have jurisdiction to try and convict a person of an offense if criminal proceedings against him are barred by subsection a. of this section. When it appears that a person charged with the commission of an offense may be of such an age

that proceedings may be barred under subsection a. of this section, the court shall hold a hearing thereon, and the burden shall be on the prosecution to establish to the satisfaction of the court that the proceeding is not barred upon such grounds. If the court determines that the proceeding is barred, custody of the person charged shall be surrendered to the juvenile and domestic relations court, and the case, including all papers and processes relating thereto shall be transferred.

Source: N. J. S. 2A:85–4 amended 1977, c. 364, s. 1; Model Penal Code: 4.10.

Chapter 5. Inchoate Crimes

Section

2C:5–1. Criminal Attempt.
2C:5–2. Conspiracy.
2C:5–3. Incapacity, Irresponsibility or Immunity of Party to Conspiracy.
2C:5–4. Grading of Criminal Attempt and Conspiracy; Mitigation in Cases of Lesser Danger; Multiple Convictions Barred.
2C:5–5. Burglar's Tools.
2C:5–6. Motor Vehicle Master Keys.

C. 2C:5-1 Criminal Attempt.

2C:5–1. Criminal Attempt. a. Definition of attempt. A person is guilty of an attempt to commit a crime if, acting with the kind of culpability otherwise required for commission of the crime, he:

(1) Purposely engages in conduct which would constitute the crime if the attendant circumstances were as a reasonable person would believe them to be;

(2) When causing a particular result is an element of the crime, does or omits to do anything with the purpose of causing such result without further conduct on his part; or

(3) Purposely does or omits to do anything which, under the circumstances as a reasonable person would believe them to be, is an act or omission constituting a substantial step in a course of conduct planned to culminate in his commission of the crime.

b. Conduct which may be held substantial step under subsection a. (3). Conduct shall not be held to constitute a substantial step under subsection a. (3) of this section unless it is strongly corroborative of the actor's criminal purpose.

c. Conduct designed to aid another in commission of a crime. A person who engages in conduct designed to aid another to commit a crime which would establish his complicity under section 2C:2–6 if the crime were committed by such other person, is guilty of an attempt to commit the crime, although the crime is not committed or attempted by such other person.

d. Renunciation of criminal purpose. When the actor's conduct would otherwise constitute an attempt under subsection a. (2) or (3) of this section, it is an affirmative defense which he must prove by a preponderance of the evidence that he abandoned his effort to commit the crime or otherwise prevented its commission, under circumstances manifesting a complete and voluntary renunciation of his criminal purpose. The establishment of such defense does not, however, affect the liability of an accomplice who did not join in such abandonment or prevention.

Within the meaning of this chapter, renunciation of criminal purpose is not voluntary if it is motivated, in whole or in part, by circumstances, not present or apparent at the inception of the actor's course of conduct, which increase the probability of detection or apprehension or which make more difficult the accomplishment of the criminal purpose. Renunciation is not complete if it is motivated by a decision to postpone the criminal conduct until a more advantageous time or to transfer the criminal effort to another but similar objective or victim. Renunciation is also not complete if mere abandonment is insufficient to accomplish avoidance of the offense in which case the defendant must have taken further and affirmative steps that prevented the commission thereof.

Source: N. J. S. 2A:85–5; Model Penal Code: 5.01.

C. 2C:5-2 Conspiracy.

2C:5–2. Conspiracy. a. Definition of conspiracy. A person is guilty of conspiracy with another person or persons to commit a crime if with the purpose of promoting or facilitating its commission he:

(1) Agrees with such other person or persons that they or one or more of them will engage in conduct which constitutes such crime or an attempt or solicitation to commit such crime; or

(2) Agrees to aid such other person or persons in the planning or commission of such crime or of an attempt or solicitation to commit such crime.

b. Scope of conspiratorial relationship. If a person guilty of conspiracy, as defined by subsection a. of this section, knows that a person with whom he conspires to commit a crime has conspired with another person or persons to commit the same crime, he is guilty of conspiring with such other person or persons, whether or not he knows their identity, to commit such crime.

c. Conspiracy with multiple objectives. If a person conspires to commit a number of crimes, he is guilty of only one conspiracy so long as such multiple crimes are the object of the same agreement or continuous conspiratorial relationship.

d. Overt act. No person may be convicted of conspiracy to commit a crime, other than a crime of the first or second degree, unless an overt act in pursuance of such conspiracy is proved to have been done by him or by a person with whom he conspired.

e. Renunciation of purpose. It is an affirmative defense which the actor must prove by a preponderance of the evidence that he, after conspiring to commit a crime, informed the authority of the existence of the conspiracy and his participation therein, and thwarted or caused to be thwarted the commission of any offense in furtherance of the conspiracy, under circumstances manifesting a complete and voluntary renunciation of criminal purpose as defined in 2C:5–1 (d), provided, however, that an attempt as defined in 2C:5–1 shall not be considered an offense for purposes of renunciation under this subsection.

f. Duration of conspiracy. For the purpose of section 2C:1–6 d.:

(1) Conspiracy is a continuing course of conduct which terminates when the crime or crimes which are its object are committed or the agreement that they be committed is abandoned by the defendant and by those with whom he conspired; and

(2) Such abandonment is presumed if neither the defendant nor anyone with whom he conspired does any overt act in pursuance of the conspiracy during the applicable period of limitation; and

(3) If an individual abandons the agreement, the conspiracy is terminated as to him only if and when he advises those with whom he conspired of his abandonment or he informs the law enforcement authorities of the existence of the conspiracy and of his participation therein.

Source: N. J. S. 2A:98–1 amended 1952, c. 91; 2A:98–2; C. 2A:98–3 and C. 2A:98–4 (1961, c. 53, ss. 1, 2); Model Penal Code: 5.03.

C. 2C:5-3 Incapacity, Irresponsibility or Immunity of Party to Conspiracy.

2C:5–3. Incapacity, Irresponsibility or Immunity of Party to Conspiracy. a. In general. Except as provided in subsection b. of this section, it is immaterial to the liability of a person who conspires with another to commit a crime that:

(1) He or the person with whom he conspires does not occupy a particular position or have a particular characteristic which is an element of such crime, if he believes that one of them does; or

(2) The person with whom he conspires is irresponsible or has an immunity to prosecution or conviction for the commission of the crime.

b. Exceptions to subsection a.: Victims, behavior inevitably incident to the commission of the crime. It is a defense to a charge of conspiracy to commit a crime that if the object of the conspiracy were achieved, the person charged would not be guilty of a crime under the law defining the crime or as an accomplice under section 2C:2–6 e. (1) or (2).

Source: Model Penal Code: 5.04.

C. 2C:5-4 Grading of Criminal Attempt and Conspiracy; Mitigation in Cases of Lesser Danger; Multiple Convictions Barred.

2C:5–4. Grading of Criminal Attempt and Conspiracy; Mitigation in Cases of Lesser Danger; Multiple Convictions Barred. a. Grading. Except as otherwise provided in this section:

(1) Attempt is a crime of the same grade and degree as the most serious crime which is attempted; and

(2) Conspiracy is a crime of the same grade and degree as the most serious crime which is an object of the conspiracy.

An attempt or conspiracy to commit a crime of the first degree is a crime of the second degree.

b. Mitigation. The court may impose sentence for a crime of a lower grade or degree if neither the particular conduct charged nor the defendant presents a public danger warranting the grading provided for such crime under subsection a. because:

(1) The criminal attempt or conspiracy charged is so inherently unlikely to result or culminate in the commission of a crime; or

(2) The conspiracy, as to the particular defendant charged, is so peripherally related to the main unlawful enterprise.

Source: N. J. S. 2A:85–5; Model Penal Code: 5.05.

C. 2C:5-5 Burglar's Tools.

2C:5–5. Burglar's Tools. Any person who manufactures or possesses any engine, machine, tool or implement adapted, designed

or commonly used for committing or facilitating offenses involving forcible entry into premises, larceny by a physical taking, or theft of services

a. Knowing the same to be so adapted or designed or commonly used; and

b. With either a purpose so to use or employ it, or with a purpose to provide it to some person who he knows has such a purpose to use or employ it, is guilty of an offense.

The offense is a crime of the fourth degree if the defendant manufactured such instrument or implements; otherwise it is a disorderly persons offense.

Source: N. J. S. 2A:94–3; 2A:170–3.

C. 2C:5-6 Motor Vehicle Master Keys.

2C:5–6. Motor Vehicle Master Keys. a. Any person who knowingly possesses a motor vehicle master key or device designed to operate a lock or locks on motor vehicles or to start a motor vehicle without an ignition key is guilty of a crime of the fourth degree.

b. Any person who offers or advertises for sale, sells or gives to any person other than those excepted in subsection c. a motor vehicle master key or device designed to operate a lock or locks on a motor vehicle or to start a motor vehicle without an ignition key is guilty of a crime of the fourth degree.

c. Subsection a. shall not apply to a law enforcement officer, constable, locksmith or dealer, distributor or manufacturer of motor vehicles or motor vehicle locks, a garage keeper, or a person engaged in the business of lending on the security of motor vehicles, or in the business of acquiring by purchase evidence of debt secured by interests in motor vehicles, and his employees and agents.

Source: C. 2A:170–3.1 to 2A:170–3.3 (1971, c. 315, ss. 1-3.).

CHAPTER 6. [RESERVED]

CHAPTER 7. [RESERVED]

CHAPTER 8. [RESERVED]

CHAPTER 9. [RESERVED]

CHAPTER 10. [RESERVED]

SUBTITLE 2. DEFINITION OF SPECIFIC OFFENSES

PART 1. OFFENSES INVOLVING DANGER TO THE PERSON

CHAPTER 11. CRIMINAL HOMICIDE

Section

2C:11–1. Definitions.
2C:11–2. Criminal Homicide.
2C:11–3. Murder.
2C:11–4. Manslaughter.
2C:11–5. Death by Auto.
2C:11–6. Aiding Suicide.

C. 2C:11-1 Definitions.

2C:11–1. Definitions. In chapters 11 through 14, unless a different meaning plainly is required:

a. "Bodily injury" means physical pain, illness or any impairment of physical condition;

b. "Serious bodily injury" means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ;

c. "Deadly weapon" means any firearm or other weapon, device, instrument, material or substance, whether animate or inanimate, which in the manner it is used or is intended to be used, is known to be capable of producing death or serious bodily injury.

Source: Model Penal Code: 210.0.

C. 2C:11-2 Criminal Homicide.

2C:11–2. Criminal Homicide. a. A person is guilty of criminal homicide if he purposely, knowingly, recklessly or, under the circumstances set forth in section 2C:11–5, negligently causes the death of another human being.

b. Criminal homicide is murder, manslaughter or death by auto.

Source: N. J. S. 2A:113–1 amended 1971, c. 2, s. 7; 2A:113–2 amended 1965, c. 212; 2A:113–3 to 2A:113–9; Model Penal Code: 210.1.

C. 2C:11-3 Murder.

2C:11–3. Murder. a. Except as provided in section 2C:11–4 a. (1), criminal homicide constitutes murder when:

(1) It is committed purposely; or

(2) It is committed knowingly; or

(3) It is committed when the actor, acting either alone or with

one or more other persons, is engaged in the commission of, or an attempt to commit, or flight after committing or attempting to commit robbery, sexual assault, arson, burglary, kidnapping or criminal escape, and the course of and in furtherance of such crime or of immediate flight therefrom, any person causes the death of a person other than one of the participants; except that in any prosecution under this subsection, in which the defendant was not the only participant in the underlying crime, it is an affirmative defense that the defendant:

(a) Did not commit the homicidal act or in any way solicit, request, command, importune, cause or aid the commission thereof; and

(b) Was not armed with a deadly weapon, or any instrument, article or substance readily capable of causing death or serious physical injury and of a sort not ordinarily carried in public places by law-abiding persons; and

(c) Had no reasonable ground to believe that any other participant was armed with such a weapon, instrument, article or substance; and

(d) Had no reasonable ground to believe that any other participant intended to engage in conduct likely to result in death or serious physical injury.

b. Murder is a crime of the first degree but a person convicted of murder may be sentenced by the court to (1) a term of 30 years of which the person must serve 15 years before being eligible for parole or (2) as in a crime of the first degree except that the maximum term for such a crime of the first degree shall be 30 years. Nothing contained in this subsection shall prohibit the court from imposing an extended term pursuant to 2C:43-7 for the crime of murder.

Source: N. J. S. 2A:113-1 amended 1971, c. 2, s. 7; 2A:113-2 amended 1965, c. 212; Model Penal Code: 210.2.

C. 2C:11-4 Manslaughter.

2C:11-4. Manslaughter. a. Criminal homicide constitutes manslaughter when:

(1) It is committed recklessly; or

(2) A homicide which would otherwise be murder under section 2C:11-3 is committed in the heat of passion resulting from a reasonable provocation.

b. Manslaughter is a crime of the second degree.

Source: N. J. S. 2A:113-5; Model Penal Code: 210.3.

C. 2C:11-5 Death by Auto.

2C:11–5. Death by Auto. a. Criminal homicide constitutes death by auto when it is caused by driving a vehicle carelessly and heedlessly, in a willful or wanton disregard of the rights or safety of others.

b. Death by auto is a crime of the fourth degree.

c. For good cause shown the court may, in accepting a plea of guilty under this section, order that such plea not be evidential in any civil proceeding.

Source: N. J. S. 2A:113–9; Model Penal Code: 210.4.

C. 2C:11-6 Aiding Suicide.

2C:11–6. Aiding Suicide. A person who purposely aids another to commit suicide is guilty of a crime of the second degree if his conduct causes such suicide or an attempted suicide, and otherwise of a crime of the fourth degree.

Source: Model Penal Code: 210.5

CHAPTER 12. ASSAULT; RECKLESS ENDANGERING; THREATS

Section

2C:12–1. Assault.
2C:12–2. Recklessly Endangering Another Person.
2C:12–3. Terroristic Threats.

C. 2C:12-1 Assault.

2C:12–1. Assault. a. Simple assault. A person is guilty of assault if he:

(1) Attempts to cause or purposely, knowingly or recklessly causes bodily injury to another; or

(2) Negligently causes bodily injury to another with a deadly weapon; or

(3) Attempts by physical menace to put another in fear of imminent serious bodily injury.

Simple assault is a disorderly persons offense unless committed in a fight or scuffle entered into by mutual consent, in which case it is a petty disorderly persons offense.

b. Aggravated assault. A person is guilty of aggravated assault if he:

(1) Attempts to cause serious bodily injury to another, or causes such injury purposely, knowingly or recklessly under circumstances manifesting extreme indifference to the value of human life; or

(2) Attempts to cause or purposely or knowingly causes bodily injury to another with a deadly weapon; or

(3) Recklessly causes bodily injury to another with a deadly weapon; or

(4) Knowingly under circumstances manifesting extreme indifference to the value of human life points a firearm, as defined in section 2C:39–1 f., at or in the direction of another, whether or not the actor believes it to be loaded; or

(5) Commits a simple assault as defined in subsections a. (1) and (2) of this section upon

(a) Any law enforcement officer acting in the performance of his duties while in uniform or exhibiting evidence of his authority; or

(b) Any paid or volunteer fireman acting in the performance of his duties while in uniform or otherwise clearly identifiable as being engaged in the performance of the duties of a fireman; or

(c) Any person engaged in emergency first-aid or medical services acting in the performance of his duties while in uniform or otherwise clearly identifiable as being engaged in the performance of emergency first-aid or medical services.

Aggravated assault under subsection b. (1) is a crime of the second degree; under subsection b. (2) is a crime of the third degree; under subsection b. (3) and b. (4) is a crime of the fourth degree; and under subsection b. (5) is a crime of the third degree if the victim suffers bodily injury. Otherwise it is a crime of the fourth degree.

Source: N. J. S. 2A:90–1 to 2A:90–3; C. 2A:90–4 (1962, c. 39 amended 1967, c. 183; 1967, c. 262); N. J. S. 2A:99–1; 2A:101–1; 2A:125–1; 2A:129–1; 2A:148–6; 2A:170–26; 2A:170–27; Model Penal Code: 211.1.

C. 2C:12-2 Recklessly Endangering Another Person.

2C:12–2. Recklessly Endangering Another Person. a. A person who purposely or knowingly does any act, including putting up a false light, which results in the loss or destruction of a vessel commits a crime of the third degree.

b. A person commits a crime of the fourth degree if he:

(1) Manufactures or sells a golf ball containing acid or corrosive fluid substance; or

(2) Purposely or knowingly offers, gives or entices any person to take or accept any treat, candy, gift or food which is poisonous, deleterious or harmful to the health or welfare of such person.

Source: N. J. S. 2A:123–1; 2A:128–1; C. 2A:170–54.2 (1968, c. 324.).

C. 2C:12-3 Terroristic Threats.

2C:12–3. Terroristic Threats. A person is guilty of a crime of the third degree if he threatens to commit any crime of violence with purpose to terrorize another or to cause evacuation of a building, place of assembly, or facility of public transportation, or otherwise to cause serious public inconvenience, or in reckless disregard of the risk of causing such terror or inconvenience.

Source: N. J. S. 2A:105–3 amended 1963, c. 152; 2A:113–8; 2A:118–2; 2A:170–9 amended 1971, c. 87, s. 1; 2A:170–28; 2A:170–29 amended 1965, c. 172; Model Penal Code: 211.3.

CHAPTER 13. KIDNAPPING AND RELATED OFFENSES: COERCION

Section

2C:13–1. Kidnapping.
2C:13–2. Criminal Restraint.
2C:13–3. False Imprisonment.
2C:13–4. Interference with Custody.
2C:13–5. Criminal Coercion.

C. 2C:13-1 Kidnapping.

2C:13–1. Kidnapping. a. Holding for ransom, reward or as a hostage. A person is guilty of kidnapping if he unlawfully removes another from the place where he is found or if he unlawfully confines another with the purpose of holding that person for ransom or reward or as a shield or hostage.

b. Holding for other purposes. A person is guilty of kidnapping if he unlawfully removes another from his place of residence or business, or a substantial distance from the vicinity where he is found, or if he unlawfully confines another for a substantial period, with any of the following purposes:

(1) To facilitate commission of any crime or flight thereafter;

(2) To inflict bodily injury on or to terrorize the victim or another; or

(3) To interfere with the performance of any governmental or political function.

c. Gradation of kidnapping. Unless the actor releases the victim unharmed and in a safe place prior to apprehension, in which case it is a crime of the second degree, kidnapping is a crime of the first degree except that a person convicted of kidnapping as a crime of the first degree, may be sentenced to an ordinary term of imprisonment of between 15 years and 30 years.

d. "Unlawful" removal or confinement. A removal or confinement is unlawful within the meaning of this section and of sections 2C:13–2 and 3 if it is accomplished by force, threat or deception, or, in the case of a person who is under the age of 14 or is incompetent, if it is accomplished without the consent of a parent, guardian or other person responsible for general supervision of his welfare.

Source: N. J. S. 2A:118–1; Model Penal Code: 212.1.

C. 2C:13-2 Criminal Restraint.

2C:13–2. Criminal Restraint. A person commits a crime of the third degree if he knowingly:

a. Restrains another unlawfully in circumstances exposing the other to risk of serious bodily injury; or

b. Holds another in a condition of involuntary servitude.

The creation by the actor of circumstances resulting in a belief by another that he must remain in a particular location shall for purposes of this section be deemed to be a holding in a condition of involuntary servitude.

In any prosecution under subsection b., it is an affirmative defense that the person held was a child less than 18 years old and the actor was a relative or legal guardian of such child and his sole purpose was to assume control of such child.

Source: Model Penal Code: 212.2.

C. 2C:13-3 False Imprisonment.

2C:13–3. False Imprisonment. A person commits a disorderly persons offense if he knowingly restrains another unlawfully so as to interfere substantially with his liberty. In any prosecution under this section, it is an affirmative defense that the person restrained was a child less than eighteen years old and that the actor was a relative of such child and that his sole purpose was to assume control of such child.

Source: Model Penal Code: 212.3.

C. 2C:13-4 Interference With Custody.

2C:13–4. Interference With Custody. a. Custody of children. A person commits an offense if he knowingly takes or entices any

child under the age of 18 from the custody of its parent, guardian or other lawful custodian, when he has no privilege to do so, or he does so in violation of a court order. It is an affirmative defense that:

(1) The actor believed that his action was necessary to preserve the child from danger to its welfare; or

(2) The child, being at the time not less than 14 years old, was taken away at its own volition and without purpose to commit a criminal offense with or against the child.

Proof that the child was below the critical age gives rise to a presumption that the actor knew the child's age.

The offense is a crime of the fourth degree if the actor is neither a parent of or person in equivalent relation to the child and if he acted with knowledge that his conduct would cause serious alarm for the child's safety or in reckless disregard of a likelihood of causing such alarm. In all other cases it is a disorderly persons offense.

b. Custody of committed persons. A person is guilty of a crime of the fourth degree if he knowingly takes or entices any committed person away from lawful custody when he is not privileged to do so. "Committed person" means, in addition to anyone committed under judicial warrant, any orphan, neglected or delinquent child, mentally defective or insane person, or other dependent or incompetent person entrusted to another's custody by or through a recognized social agency or otherwise by authority of law.

Source: Model Penal Code: 212.4.

C. 2C:13-5 Criminal Coercion.

2C:13–5. Criminal Coercion. a. Offense defined. A person is guilty of criminal coercion if, with purpose unlawfully to restrict another's freedom of action to engage or refrain from engaging in conduct, he threatens to:

(1) Inflict bodily injury on anyone or commit any other offense;

(2) Accuse anyone of an offense;

(3) Expose any secret which would tend to subject any person to hatred, contempt or ridicule, or to impair his credit or business repute;

(4) Take or withhold action as an official, or cause an official to take or withhold action;

(5) Bring about or continue a strike, boycott or other collective action, except that such a threat shall not be deemed coercive when

the restriction compelled is demanded in the course of negotiation for the benefit of the group in whose interest the actor acts;

(6) Testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or

(7) Perform any other act which would not in itself substantially benefit the actor but which is calculated to substantially harm another person with respect to his health, safety, business, calling, career, financial condition, reputation or personal relationships.

It is an affirmative defense to prosecution based on paragraphs (2), (3), (4), (6) and (7) that the actor believed the accusation or secret to be true or the proposed official action justified and that his purpose was limited to compelling the other to behave in a way reasonably related to the circumstances which were the subject of the accusation, exposure or proposed official action, as by desisting from further misbehavior, making good a wrong done, or refraining from taking any action or responsibility for which the actor believes the other disqualified.

b. Grading. Criminal coercion is a crime of the fourth degree unless the threat is to commit a crime more serious than one of the fourth degree or the actor's purpose is criminal, in which cases the offense is a crime of the third degree.

Source: N. J. S. 2A:105–3 amended 1963, c. 152; C. 2A:105–5 (1968, c. 83); Model Penal Code: 212.5.

Chapter 14. Sexual Offenses

Section.

2C:14–1. Definitions.
2C:14–2. Sexual Assault.
2C:14–3. Criminal Sexual Contact.
2C:14–4. Lewdness.
2C:14–5. Provisions Generally Applicable to Chapter 14.
2C:14–6. Sentencing.
2C:14–7. Admissibility of Evidence.

C. 2C:14-1 Definitions.

2C:14–1. Definitions. The following definitions apply to this chapter:

a. "Actor" means a person accused of an offense proscribed under this act;

b. "Victim" means a person alleging to have been subjected to offenses proscribed by this act;

c. "Sexual penetration" means vaginal intercourse, cunnilingus, fellatio or anal intercourse between persons or insertion of the hand, finger or object into the anus or vagina either by the actor or upon the actor's instruction. The depth of insertion shall not be relevant as to the question of commission of the crime;

d. "Sexual contact" means an intentional touching by the victim or actor, either directly or through clothing, of the victim's or actor's intimate parts for the purpose of degrading or humiliating the victim or sexually arousing or sexually gratifying the actor. Sexual contact of the actor with himself must be in view of the victim whom the actor knows to be present;

e. "Intimate parts" means the following body parts: sexual organs, genital area, anal area, inner thigh, groin, buttock or breast of a person;

f. "Severe personal injury" means severe bodily injury, disfigurement, disease, incapacitating mental anguish or chronic pain;

g. "Physically helpless" means that condition in which a person is unconscious or is physically unable to flee or is physically unable to communicate unwillingness to act;

h. "Mentally defective" means that condition in which a person suffers from a mental disease or defect which renders that person temporarily or permanently incapable of appraising the nature of his conduct;

i. "Mentally incapacitated" means that condition in which a person is rendered temporarily incapable of appraising or controlling his conduct due to the influence of a narcotic, anesthetic, intoxicant, or other substance administered to that person without his prior knowledge or consent, or due to any other act committed upon that person which rendered that person incapable of appraising or controlling his conduct;

j. "Coercion" as used in this chapter shall refer to those acts which are defined as criminal coercion in section 2C:13–5(1), (2), (3), (4), (6) and (7).

Source: New.

C. 2C:14-2 Sexual Assault.

2C:14–2. Sexual Assault. a. An actor is guilty of aggravated sexual assault if he commits an act of sexual penetration with another person under any one of the following circumstances:

(1) The victim is less than 13 years old and the actor is at least 4 years older than the victim;

(2) The victim is at least 13 but less than 16 years old and

(a) The actor is related to the victim by blood or affinity to the third degree, or

(b) The actor has supervisory or disciplinary power over the victim by virtue of the actor's legal, professional, or occupational status, or

(c) The actor is a foster parent, a guardian, or stands in loco parentis within the household;

(3) The act is committed during the commission, or attempted commission, whether alone or with one or more other persons, of robbery, kidnapping, homicide, aggravated assault on another, breaking and entering, burglary, arson or criminal escape;

(4) The actor is armed with a weapon or any object fashioned in such a manner as to lead the victim to reasonably believe it to be a weapon and threatens by word or gesture to use the weapon or object;

(5) The actor is aided or abetted by one or more other persons and either of the following circumstances exists:

(a) The actor uses physical force or coercion, or

(b) The victim is one whom the actor knew or should have known was physically helpless, mentally defective or mentally incapacitated;

(6) The actor uses physical force or coercion and severe personal injury is sustained by the victim.

Aggravated sexual assault is a crime of the first degree.

b. An actor is guilty of sexual assault if he commits an act of sexual contact with a victim who is less than 13 years old and at least 4 years younger than the actor, or if the actor commits an act of sexual penetration with another person under any one of the following circumstances:

(1) The actor uses physical force or coercion, but the victim does not sustain severe personal injury;

(2) The victim is one whom the actor knew or should have known was physically helpless, or mentally incapacitated;

(3) The victim is on probation or parole, or is detained in a hospital, prison or other institution or is mentally defective and the actor has supervisory or disciplinary power over the victim by virtue of the actor's legal, professional or occupational status;

(4) The victim is at least 16 but less than 18 years old and the actor is a member of the victim's household with supervisory or disciplinary power over the victim.

Sexual assault is a crime of the second degree.

Source: N. J. S. 2A:114–1 and 2A:114–2; 2A:138–1 amended 1952, c. 94; 2A:138–2; N. J. S. 2A:143–1 and 2A:143–2; Model Penal Code: 213.4.

C. 2C:14-3 Criminal Sexual Contact.

2C:14–3. Criminal Sexual Contact. a. An actor is guilty of aggravated criminal sexual contact if he commits an act of sexual contact with the victim under any of the circumstances set forth in 2C:14–2a. (2) through (6).

Aggravated criminal sexual contact is a crime of the third degree.

b. An actor is guilty of criminal sexual contact if he commits an act of sexual contact with the victim under any of the circumstances set forth in section 2C:14–2b. (1)-(4).

Criminal sexual contact is a crime of the fourth degree.

Source: New.

C. 2C:14-4 Lewdness.

2C:14–4. Lewdness. A person commits a disorderly persons offense if he does any flagrantly lewd and offensive act which he knows or reasonably expects is likely to be observed by other non-consenting persons who would be affronted or alarmed. "Lewd acts" shall include the exposing of the genitals for the purpose of arousing or gratifying the sexual desire of the actor or of any other person.

Source: N. J. S. 2A:115–1; 2A:170–5.

C. 2C:14-5 Provisions Generally Applicable to Chapter 14.

2C:14–5. Provisions Generally Applicable to Chapter 14.

a. The prosecutor shall not be required to offer proof that the victim resisted, or resisted to the utmost, or reasonably resisted the sexual assault in any offense proscribed by this chapter.

b. No actor shall be presumed to be incapable of committing a crime under this chapter because of age or impotency or marriage to the victim.

c. It shall be no defense to a prosecution for a crime under this chapter that the actor believed the victim to be above the age stated for the offense, even if such a mistaken belief was reasonable.

Source: New.

C. 2C:14-6 Sentencing.

2C:14–6. Sentencing. If a person is convicted of a second or subsequent offense under sections 2C:14–2 or 2C:14–3a., the sentence imposed under those sections for the second or subsequent offense shall, unless the person is sentenced pursuant to the provisions of 2C:43–7, include a fixed minimum sentence of not less than 5 years during which the defendant shall not be eligible for parole. The court may not suspend or make any other non-custodial disposition of any person sentenced as a second or subsequent offender pursuant to this section. For the purpose of this section an offense is considered a second or subsequent offense, if the actor has at any time been convicted under sections 2C:14–2 or 2C:14–3a. or under any similar statute of the United States, this state, or any other state for an offense that is substantially equivalent to sections 2C:14–2 or 2C:14–3a.

Source: New.

C. 2C:14-7 Admissibility of Evidence.

2C:14–7. Admissibility of Evidence.

a. In prosecutions for aggravated sexual assault, sexual assault, aggravated criminal sexual contact, or criminal sexual contact, evidence of the victim's previous sexual conduct shall not be admitted nor reference made to it in the presence of the jury except as provided in this section. When the defendant seeks to admit such evidence for any purpose he must apply for an order of the court before the trial or preliminary hearing, except that the court may allow the motion to be made during trial if the court determines that the evidence is newly discovered and could not have been obtained earlier through the exercise of due diligence. After the application is made, the court shall conduct a hearing in camera to determine the admissibility of the evidence. If the court finds that evidence offered by the defendant regarding the sexual conduct of the victim is relevant and that the probative value of the evidence offered is not outweighed by its collateral nature or the probability that its admission will create undue prejudice, confusion of the issues, or unwarranted invasion of the privacy of the victim, the court shall enter an order setting forth with specificity what evidence may be introduced and the nature of the questions which shall be permitted, and the reasons why the court finds that such evidence satisfies the standards contained in this section. The defendant may then offer evidence under the order of the court.

b. In the absence of clear and convincing proof to the contrary, evidence of the victim's sexual conduct occurring more than 1 year

before the date of the offense charged is presumed to be inadmissible under this section.

c. Evidence of previous sexual conduct shall not be considered relevant unless it is material to negating the element of force or coercion or to proving that the source of semen, pregnancy or disease is a person other than the defendant. For the purposes of this section, "sexual conduct" shall mean any conduct or behavior relating to sexual activities of the victim, including but not limited to previous or subsequent experience of sexual penetration or sexual contact, use of contraceptives, living arrangement and life style.

Source: C. 2A:84A–32.1 to 2A:84A–32.3 (1976, c. 71, ss. 1–3).

Chapter 15. [Reserved]

Chapter 16. [Reserved]

Part 2. Offenses Against Property

Chapter 17. Arson, Criminal Mischief, and Other Property Destruction

Section

2C:17–1. Arson and Related Offenses.
2C:17–2. Causing or Risking Widespread Injury or Damage.
2C:17–3. Criminal Mischief.
2C:17–4. Endangering Pipes Transmitting Certain Gases.
2C:17–5. Damage to Pipes During Excavation or Discharge.

C. 2C:17-1 Arson and Related Offenses.

2C:17–1. Arson and Related Offenses. a. Aggravated arson. A person is guilty of aggravated arson, a crime of the second degree, if he starts a fire or causes an explosion, whether on his own property or another's:

(1) Thereby purposely or knowingly placing another person in danger of death or bodily injury;

(2) With the purpose of destroying a building or occupied structure of another; or

(3) With the purpose of collecting insurance for the destruction or damage to such property under circumstances which recklessly place any other person in danger of death or bodily injury.

b. Arson. A person is guilty of arson, a crime of the third degree, if he purposely starts a fire or causes an explosion, whether on his own property or another's:

(1) Thereby recklessly placing another person in danger of death or bodily injury; or

(2) Thereby recklessly placing a building or occupied structure of another in danger of damage or destruction; or

(3) With the purpose of collecting insurance for the destruction or damage to such property.

c. Failure to control or report dangerous fire. A person who knows that a fire is endangering life or a substantial amount of property of another and fails to take reasonable measure to put out or control the fire, when he can do so without substantial risk to himself, or to give prompt fire alarm, commits a crime of the fourth degree if:

(1) He knows that he is under an official, contractual, or other legal duty to prevent or combat the fire; or

(2) The fire was started, albeit lawfully, by him or with his assent, or on property in his custody or control.

d. Any person who, directly or indirectly, pays or accepts any form of consideration including, but not limited to, money or any other pecuniary benefit, for the purpose of starting a fire or causing an explosion in violation of this section commits a crime of the first degree.

e. Definitions. "Occupied structure" is defined in section 2C:18–1. Property is that of another, for the purpose of this section, if any one other than the actor has a possessory or proprietary interest therein. If a building or structure is divided into separately occupied units, any unit not occupied by the actor is an occupied structure of another.

Source: N. J. S. 2A:89–1 to 2A:89–6; Model Penal Code: 220.1.

C. 2C:17-2 Causing or Risking Widespread Injury or Damage.

2C:17–2. Causing or Risking Widespread Injury or Damage. a. A person who purposely or knowingly causes an explosion, fire, flood, avalanche, collapse of a building, release of poison gas, radioactive material or any other harmful or destructive substance or otherwise causes widespread injury or damage, commits a crime of the second degree.

b. A person who recklessly causes widespread injury or damage is guilty of a crime of the third degree.

c. A person who recklessly creates a risk of widespread injury or damage commits a crime of the fourth degree even if no such injury or damage occurs.

d. A person who knowingly or recklessly fails to take reasonable measures to prevent or mitigate widespread injury or damage commits a crime of the fourth degree if:

(1) He knows that he is under an official, contractual or other legal duty to take such measures; or

(2) He did or assented to the act causing or threatening the injury or damage.

e. For purposes of this section, widespread injury or damage means serious bodily injury to 10 or more people or damage to 10 or more habitations or to a building which would normally have contained 50 or more persons at the time of the offense.

Source: Model Penal Code: 220.2.

C. 2C:17-3 Criminal Mischief.

2C:17–3. Criminal Mischief. a. Offense defined. A person is guilty of criminal mischief if he:

(1) Damages tangible property of another purposely, recklessly, or negligently in the employment of fire, explosives, or other dangerous means listed in section 2C:17–2a; or

(2) Purposely or recklessly tampers with tangible property of another so as to endanger person or property.

b. Grading. Criminal mischief is a crime of the third degree if the actor purposely causes pecuniary loss in excess of $2,000.00, or a substantial interruption or impairment of public communication, transportation, supply of water, gas or power, or other public service. It is a crime of the fourth degree if the actor causes pecuniary loss in excess of $500.00, or a disorderly persons offense if he causes pecuniary loss of less than $500.00.

Source: N. J. S. 2A:122–1 to 2A:122–7; 2A:122–9; C. 2A:122–10 (1960, c. 5); C. 2A:122–12 (1967, c. 72); N. J. S. 2A:170–32; N. J. S. 2A:170–35 to 2A:170–37; 2A:170–39; 2A:170–93; Model Penal Code: 220.3.

C. 2C:17-4 Endangering Pipes Transmitting Certain Gases.

2C:17–4. Endangering Pipes Transmitting Certain Gases. a. A person who discharges explosives in the ground within a distance of 200 feet of any pipe distributing or transmitting manufactured, mixed or natural gas, or synthetic natural gas, liquefied natural gas or propane gas, or who excavates in a street, highway, or public place, or on private property, without having first ascertained whether any such pipe is located within 200 feet of the place of discharge or excavation, is guilty of a disorderly persons offense.

The term "excavate" shall not include the opening of the surface and the disturbance of the subsoil thereunder of any street, highway, public place or private property for the purpose of installing or replacing poles and their appurtenances used or to be used in connection with the supplying to the public of electricity for light, heat or power or of communication services. This section shall not apply to any work performed by or on behalf of the New Jersey Department of Transportation, New Jersey Highway Authority or New Jersey Turnpike Authority or by any person excavating with nonpowered hand tools on private property to a depth not to exceed 18 inches.

b. To ascertain whether such pipes are within 200 feet of the proposed discharge or excavation, the person responsible for such discharge or excavation shall serve a written notice of intention at least 3 full working days (excluding Saturdays, Sundays and holidays) prior to the discharge of explosives or commencement of any excavation on the person engaged in the distribution or transmission of manufactured, mixed or natural gas in the area. The said written notice of intention shall be served personally or by registered or certified mail, return receipt requested, on the person so engaged in the transmission or distribution of the aforesaid gases and shall contain the name of the person responsible, the date, place and type of discharge or excavation to be conducted. Service of a single notice of intention shall constitute compliance with this section when the discharge of explosives or the excavations take place on more than one day provided either or both are part of a single continuing project. Within 3 days after receipt of such notice of intention, the person engaged in the distribution or transmission of the aforesaid gases shall advise the person named in the notice of the location of all such pipes within 200 feet of the place of discharge or place of excavation.

c. It shall be an affirmative defense to prosecution under this section that:

(1) There was an emergency involving danger to life, health or property, the excavation was done without using explosives, and such notice and reply were given as soon as reasonably possible; or

(2) There was an emergency involving an immediate and substantial danger of death or serious personal injury, and the discharge of explosives in the ground was done only after notice and reply were given.

d. A public utility engaged in supplying electricity for light, heat or power or in furnishing communication services may enter

into a written agreement with a person engaged in the distribution or transmission of manufactured, mixed or natural gas, or synthetic natural gas, liquefied natural gas or propane gas with respect to the securing of information as to the location of its transmission or distribution pipes within any private place in order to ascertain whether pipes are within 200 feet of the proposed excavation in lieu of the 3-day written notification.

e. No person who proposes to excavate or discharge explosives shall be issued a building permit, street opening permit or other permit for such excavation or discharge of explosives until he presents satisfactory proof to the issuing authority in the form of a written statement that he has complied with the requirements of this section. Upon issuance of such permit or permits the person proposing to excavate or discharge explosives shall be provided with a placard not less than 8½ inches by 11 inches by the issuing authority which shall be prominently displayed at the site of the excavation or discharge of explosives, clearly indicating that such permit or permits have been issued and that the holder thereof has complied with this section.

Source: C. 2A:170–69.4 (1964, c. 53, s. 1 amended 1974, c. 116, s. 1; 1976, c. 122, s. 1).

C. 2C:17-5 Damage to Pipes During Excavation or Discharge.

2C:17–5. Damage to Pipes During Excavation or Discharge. Any excavation or discharge within 200 feet of a pipe distributing or transmitting manufactured, mixed or natural or synthetic natural gas, liquefied natural gas or propane gas, shall be performed in such manner as to avoid damage to any such pipe. In the event that damage does occur, the person performing the excavation or discharge shall immediately notify the person who is distributing or transmitting manufactured, mixed or natural gas, or synthetic natural gas, liquefied natural gas or propane gas in the area. Any person who fails to do so is guilty of a disorderly persons offense.

Source: C. 2A:170–69.5 (1964, c. 53, s. 2 amended 1974, c. 116, s. 2); C. 2A:170–69.6 (1964, c. 53, s. 3 amended 1974, c. 116, s. 4).

Chapter 18. Burglary and Other Criminal Intrusion

Section

2C:18–1. Definition.
2C:18–2. Burglary.
2C:18–3. Criminal Trespass.

C. 2C:18-1 Definition.

2C:18–1. Definition. In this chapter, unless a different meaning plainly is required, "occupied structure" means any structure, vehicle, boat, airplane or place adapted for overnight accommodation of persons, or for carrying on business therein, whether or not a person is actually present.

Source: Model Penal Code: 221.0.

C. 2C:18-2 Burglary.

2C:18–2. Burglary. a. Burglary defined. A person is guilty of burglary if, with purpose to commit an offense therein he:

(1) Enters a building or occupied structure, or a separately secured or occupied portion thereof, unless the premises are at the time open to the public or the actor is licensed or privileged to enter; or

(2) Surreptitiously remains in a building or occupied structure or a separately secured or occupied portion thereof knowing that he is not licensed or privileged to do so.

It is an affirmative defense to prosecution for burglary that the building or structure was abandoned.

b. Grading. Burglary is a crime of the second degree if in the course of committing the offense, the actor:

(1) Purposely, knowingly or recklessly inflicts, attempts to inflict or threatens to inflict bodily injury on anyone; or

(2) Is armed with or displays what appears to be explosives or a deadly weapon.

Otherwise burglary is a crime of the third degree if the defendant's purpose was to commit a crime and is a crime of the fourth degree if the defendant's purpose was to commit a disorderly person's offense. An act shall be deemed "in the course of committing" an offense if it occurs in an attempt to commit an offense or in immediate flight after the attempt or commission.

Source: N. J. S. 2A:94–1 and 2A:94–2; Model Penal Code: 221.1.

C. 2C:18-3 Criminal Trespass.

2C:18–3. Criminal Trespass. a. Buildings and occupied structures. A person commits an offense if, knowing that he is not licensed or privileged to do so, he enters or surreptitiously remains in any building or occupied structure, or separately secured or occupied portion thereof. An offense under this subsection is a crime of the fourth degree if it is committed in a dwelling. Otherwise it is a disorderly persons offense.

b. Defiant trespasser. A person commits a petty disorderly persons offense if, knowing that he is not licensed or privileged to do so, he enters or remains in any place as to which notice against trespass is given by:

(1) Actual communication to the actor; or

(2) Posting in a manner prescribed by law or reasonably likely to come to the attention of intruders; or

(3) Fencing or other enclosure manifestly designed to exclude intruders.

c. Defenses. It is an affirmative defense to prosecution under this section that:

(1) A building or occupied structure involved in an offense under subsection a. was abandoned.

(2) The premises were at the time open to members of the public and the actor complied with all lawful conditions imposed on access to or remaining in the premises; or

(3) The actor reasonably believed that the owner of the premises, or other person empowered to license access thereto, would have licensed him to enter or remain.

Source: N. J. S. 2A:170–31; 2A:170–58; 2A:170–59 amended 1965, c. 68; 1972, c. 140.

Chapter 19. Robbery

Section

2C:19–1. Robbery.

C. 2C:19-1 Robbery.

2C:19–1. Robbery. a. Robbery defined. A person is guilty of robbery if, in the course of committing a theft, he:

(1) Inflicts bodily injury upon another; or

(2) Threatens another with or purposely puts him in fear of immediate bodily injury; or

(3) Commits or threatens immediately to commit any crime of the first or second degree.

An act shall be deemed "in the course of committing a theft" if it occurs in an attempt to commit theft or in immediate flight after the attempt or commission.

b. Grading. Robbery is a crime of the second degree, except that it is a crime of the first degree if in the course of committing the theft the actor attempts to kill anyone, or purposely inflicts or

attempts to inflict serious bodily injury, or is armed with, or uses or threatens the immediate use of a deadly weapon.

Source: N. J. S. 2A:90–2 and 2A:90–3; C. 2A:119–5.4 (1965, c. 52, s. 4); 2A:141–1; 2A:151–5 amended 1959, c. 148, s. 1; 1963, c. 160; 1966, c. 60, s. 4; Model Penal Code: 222.1.

Chapter 20. Theft and Related Offenses

Section

2C:20–1. Definitions.
2C:20–2. Consolidation of Theft Offenses; Grading; Provisions Applicable to Theft Generally.
2C:20–3. Theft by Unlawful Taking or Disposition.
2C:20–4. Theft by Deception.
2C:20–5. Theft by Extortion.
2C:20–6. Theft of Property Lost, Mislaid, or Delivered by Mistake.
2C:20–7. Receiving Stolen Property.
2C:20–8. Theft of Services.
2C:20–9. Theft by Failure to Make Required Disposition of Property Received.
2C:20–10. Unlawful Taking of Means of Conveyance.
2C:20–11. Shoplifting.

C. 2C:20-1 Definitions.

2C:20–1. Definitions. In chapters 20 and 21 unless a different meaning plainly is required:

a. "Deprive" means: (1) to withhold or cause to be withheld property of another permanently or for so extended a period as to appropriate a substantial portion of its economic value, or with purpose to restore only upon payment of reward or other compensation; or (2) to dispose or cause disposal of the property so as to make it unlikely that the owner will recover it.

b. "Fiduciary" means an executor, general administrator of an intestate, administrator with the will annexed, substituted administrator, guardian, substituted guardian, trustee under any trust expressed, implied, resulting or constructive, substituted trustee, executor, conservator, curator, receiver, trustee in bankruptcy, assignee for the benefit of creditors, partner, agent or officer of a corporation, public or private, temporary administrator, administrator, administrator pendente lite, administrator ad prosequendum, administrator ad litem or other person acting in a similar capacity.

c. "Financial institution" means a bank, insurance company, credit union, savings and loan association, investment trust or other organization held out to the public as a place of deposit of funds or medium of savings or collective investment.

d. "Government" means the United States, any State, county, municipality, or other political unit, or any department, agency or subdivision of any of the foregoing, or any corporation or other association carrying out the functions of government.

e. "Movable property" means property the location of which can be changed, including things growing on, affixed to, or found in land, and documents although the rights represented thereby have no physical location. "Immovable property" is all other property.

f. "Obtain" means: (1) in relation to property, to bring about a transfer or purported transfer of a legal interest in the property, whether to the obtainer or another; or (2) in relation to labor or service, to secure performance thereof.

g. "Property" means anything of value, including real estate, tangible and intangible personal property, trade secrets, contract rights, choses-in-action and other interests in or claims to wealth, admission or transportation tickets, captured or domestic animals, food and drink, electric, gas, steam or other power.

h. "Property of another" includes property in which any person other than the actor has an interest which the actor is not privileged to infringe, regardless of the fact that the actor also has an interest in the property and regardless of the fact that the other person might be precluded from civil recovery because the property was used in an unlawful transaction or was subject to forfeiture as contraband. Property in possession of the actor shall not be deemed property of another who has only a security interest therein, even if legal title is in the creditor pursuant to a conditional sales contract or other security agreement.

i. "Trade secret" means the whole or any portion or phase of any scientific or technical information, design, process, procedure, formula or improvement which is secret and of value. A trade secret shall be presumed to be secret when the owner thereof takes measures to prevent it from becoming available to persons other than those selected by the owner to have access thereto for limited purposes.

Source: N. J. S. 2A:119–2 amended 1957, c. 56; 1970, c. 298; 1972, c. 159, s. 1; C. 2A:119–5.2 (1965, c. 52, s. 2); Model Penal Code: 223.0.

C. 2C:20-2 Consolidation of Theft Offenses; Grading; Provisions Applicable to Theft Generally.

2C:20–2. Consolidation of Theft Offenses; Grading; Provisions Applicable to Theft Generally. a. Consolidation of Theft Offenses. Conduct denominated theft in this chapter constitutes a single offense. A charge of theft may be supported by evidence that it was committed in any manner that would be theft under this chapter, notwithstanding the specification of a different manner in the indictment or accusation, subject only to the power of the court to ensure fair trial by granting a bill of particulars, discovery, a continuance, or other appropriate relief where the conduct of the defense would be prejudiced by lack of fair notice or by surprise.

b. Grading of theft offenses.

(1) Theft constitutes a crime of the second degree if the property is taken by extortion.

(2) Theft constitutes a crime of the third degree if:

(a) The amount involved exceeds $500.00;

(b) The property stolen is a firearm, automobile, boat or airplane;

(c) The property stolen is a controlled dangerous substance as defined in P. L. 1970, c. 226 (C. 24:21–1 et seq.);

(d) It is from the person of the victim;

(e) It is in breach of an obligation by a person in his capacity as a fiduciary;

(f) It is by threat not amounting to extortion; or

(g) It is of a public record, writing or instrument kept, filed or deposited according to law with or in the keeping of any public office or public servant.

(3) Theft not within the preceding paragraphs constitutes a crime of the fourth degree. If, however, the amount involved was less than $200.00 the offense constitutes a disorderly persons offense.

(4) The amount involved in a theft shall be determined by the trier of fact. Amounts involved in thefts committed pursuant to one scheme or course of conduct, whether from the same person or several persons, may be aggregated in determining the grade of the offense.

c. Claim of right. It is an affirmative defense to prosecution for theft that the actor:

(1) Was unaware that the property or service was that of another;

(2) Acted under an honest claim of right to the property or service involved or that he had a right to acquire or dispose of it as he did; or

(3) Took property exposed for sale, intending to purchase and pay for it promptly, or reasonably believing that the owner, if present, would have consented.

d. Theft from spouse. It is no defense that theft was from the actor's spouse, except that misappropriation of household and personal effects, or other property normally accessible to both spouses, is theft only if it occurs after the parties have ceased living together.

Source: N. J. S. 2A:119–1; 2A:119–2 amended 1957, c. 56; 1970, c. 298; 1972, c. 159, s. 1; 2A:119–3 to 2A:119–5; C. 2A:119–5.3 (1965, c. 52, s. 3); N. J. S. 2A:119–7 and 2A:119–8; C. 2A:119–8.1 (1962, c. 201); Model Penal Code: 223.1.

C. 2C:20-3 Theft by Unlawful Taking or Disposition.

2C:20–3. Theft by Unlawful Taking or Disposition. a. Movable property. A person is guilty of theft if he unlawfully takes, or exercises unlawful control over, movable property of another with purpose to deprive him thereof.

b. Immovable property. A person is guilty of theft if he unlawfully transfers any interest in immovable property of another with purpose to benefit himself or another not entitled thereto.

Source: Model Penal Code: 223.2.

C. 2C:20-4 Theft by Deception.

2C:20–4. Theft by Deception. A person is guilty of theft if he purposely obtains property of another by deception. A person deceives if he purposely:

a. Creates or reinforces a false impression, including false impressions as to law, value, intention or other state of mind; but deception as to a person's intention to perform a promise shall not be inferred from the fact alone that he did not subsequently perform the promise;

b. Prevents another from acquiring information which would affect his judgment of a transaction; or

c. Fails to correct a false impression which the deceiver previously created or reinforced, or which the deceiver knows to be influencing another to whom he stands in a fiduciary or confidential relationship.

The term "deceive" does not, however, include falsity as to matters having no pecuniary significance, or puffing or exaggera-

tion by statements unlikely to deceive ordinary persons in the group addressed.

Source: N. J. S. 2A:111-1; 2A:111-2 amended 1954, c. 117, s. 1; 1962, c. 76, s. 1; 2A:111-3 amended 1954, c. 117, s. 2; 1962, c. 76, s. 2; 2A:111-4 to 2A:111-14; 2A:111-15 amended 1965, c. 184, s. 2; 2A:111-16 to 2A:111-21; C. 2A:111-21.1 (1964, c. 179); N. J. S. 2A:111-22 to 2A:111-24; C. 2A:111-25 (1952, c. 332, s. 1 amended 1953, c. 432, s. 1); C. 2A:111-26 (1952, c. 332, s. 2 amended 1953, c. 432, s. 2); C. 2A:111-27 (1952, c. 332, s. 3); C. 2A:111-28 to C. 2A:111-31 (1954, c. 58); C. 2A:111-32 (1960, c. 62, s. 1 amended 1967, c. 301, s. 3); C. 2A:111-33 (1960, c. 62, s. 2); C. 2A:111-34 to C. 2A:111-36 (1964, c. 294, ss. 1-3); C. 2A:111-37 and C. 2A:111-38 (1968, c. 253, ss. 1, 2); C. 2A:111-39 (1968, c. 260); C. 2A:111-40 to C. 2A:111-48 (1968, c. 300, ss. 1-9); C. 2A:111-49 (1968, c. 300, s. 10 amended 1969, c. 299); C. 2A:111-50 and 2A:111-51 (1968, c. 300, ss. 11, 12); Model Penal Code: 223.3.

C. 2C:20-5 Theft by Extortion.

2C:20-5. Theft by Extortion. A person is guilty of theft by extortion if he purposely obtains property of another by extortion. A person extorts if he purposely threatens to:

a. Inflict bodily injury on or physically confine or restrain anyone or commit any other criminal offense;

b. Accuse anyone of an offense or cause charges of an offense to be instituted against any person;

c. Expose or publicize any secret or any asserted fact, whether true or false, tending to subject any person to hatred, contempt or ridicule, or to impair his credit or business repute;

d. Take or withhold action as an official, or cause an official to take or withhold action;

e. Bring about or continue a strike, boycott or other collective action, if the property is not demanded or received for the benefit of the group in whose interest the actor purports to act;

f. Testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or

g. Inflict any other harm which would not substantially benefit the actor but which is calculated to materially harm another person.

It is an affirmative defense to prosecution based on paragraphs b, c, d or f that the property obtained was honestly claimed as restitution or indemnification for harm done in the circumstances or as lawful compensation for property or services.

Source: N. J. S. 2A:105–1 amended 1977, c. 214, s. 6; 2A:105–2 amended 1977, c. 214, s. 7; 2A:105–3 amended 1963, c. 152; 2A:105–4; C. 2A:105–5 (1968, c. 83); C. 2A:119A–2 (1968, c. 349, s. 2); Model Penal Code: 223.4.

C. 2C:20-6 Theft of Property Lost, Mislaid, or Delivered by Mistake.

2C:20–6. Theft of Property Lost, Mislaid, or Delivered by Mistake. A person who comes into control of property of another that he knows to have been lost, mislaid, or delivered under a mistake as to the nature or amount of the property or the identity of the recipient is guilty of theft if, knowing the identity of the owner and with purpose to deprive said owner thereof, he converts the property to his own use.

Source: Model Penal Code: 223.5.

C. 2C:20-7 Receiving Stolen Property.

2C:20–7. Receiving Stolen Property. a. Receiving. A person is guilty of theft if he purposely receives movable property of another knowing that it has been stolen, or believing that it has probably been stolen. It is an affirmative defense that the property was received with purpose to restore it to the owner. "Receiving" means acquiring possession, control or title, or lending on the security of the property.

b. Presumption of knowledge. The requisite knowledge or belief is presumed in the case of a person who:

(1) Is found in possession or control of two or more items of property stolen on two or more separate occasions;

(2) Has received stolen property in another transaction within the year preceding the transaction charged; or

(3) Being a person in the business of buying or selling property of the sort received, acquires the property without having ascertained by reasonable inquiry that the person from whom he obtained it had a legal right to possess and dispose of it.

Source: N. J. S. 2A:139–1 amended 1972, c. 160, s. 1; 2A:139–2 to 2A:139–4; Model Penal Code: 223.6.

C. 2C:20-8 Theft of Services.

2C:20–8. Theft of Services. a. A person is guilty of theft if he purposely obtains services which he knows are available only for compensation, by deception or threat, or by false token, slug, or other means, including but not limited to mechanical or electronic devices or through fraudulent statements, to avoid payment for the service. "Services" include labor, professional

service, transportation, telephone, or other public service, accommodation in hotels, restaurants or elsewhere, entertainment, admission to exhibitions, use of vehicles or other movable property. Where compensation for service is ordinarily paid immediately upon the rendering of such service, as in the case of hotels and restaurants, absconding without payment or offer to pay gives rise to a presumption that the service was obtained by deception as to intention to pay.

b. A person commits theft if, having control over the disposition of services of another, to which he is not entitled, he knowingly diverts such services to his own benefit or to the benefit of another not entitled thereto.

c. Any person who, without permission and for the purpose of obtaining electric current, gas or water with intent to defraud any vendor of electricity, gas or water:

(1) Connects or causes to be connected by wire or any other device with the wires, cables or conductors of any such vendor; or

(2) Connects or disconnects the meters, pipes or conduits of such vendor or in any other manner tampers or interferes with such meters, pipes or conduits, or connects with such meters, pipes or conduits by pipes, conduits or other instruments—is guilty of a disorderly persons offense.

The existence of any of the conditions with reference to meters, pipes, conduits or attachments, described in this section, is presumptive evidence that the person to whom gas, electricity or water is at the time being furnished by or through such meters, pipes, conduits or attachments has, with intent to defraud, created or caused to be created with reference to such meters, pipes, conduits or attachments, the condition so existing; provided, however, that the presumption shall not apply to any person so furnished with gas, electricity or water for less than 31 days or until there has been at least one meter reading.

d. Any person who, without permission or authority, connects or causes to be connected by wires or other devices, any meter erected or set up for the purpose of registering or recording the amount of electric current supplied to any customer by any vendor of electricity within this State, or changes or shunts the wiring leading to or from any such meter, or by any device, appliance or means whatsoever tampers with any such meter so that the meter will not measure or record the full amount of electric current supplied to such customer, is guilty of a disorderly persons offense.

The existence of any of the conditions with reference to meters or attachments described in this subsection or in subsection c. is presumptive evidence that the person to whom electricity is at the time being furnished by or through such meters or attachments has, with intent to defraud, created or caused to be created with reference to such meters or attachments, the condition so existing; provided, however, that the presumption shall not apply to any person so furnished with electricity for less than 31 days or until there has been at least one meter reading.

Source: N. J. S. 2A:170–63 and 2A:170–64; Model Penal Code: 223.7.

C. 2C:20-9 Theft by Failure to Make Required Disposition of Property Received.

2C:20–9. Theft by Failure to Make Required Disposition of Property Received. A person who purposely obtains or retains property upon agreement or subject to a known legal obligation to make specified payment or other disposition, whether from such property or its proceeds or from his own property to be reserved in equivalent amount, is guilty of theft if he deals with the property obtained as his own and fails to make the required payment or disposition. The foregoing applies notwithstanding that it may be impossible to identify particular property as belonging to the victim at the time of the actor's failure to make the required payment or disposition. An officer or employee of the government or of a financial institution is presumed: (a) to know any legal obligation relevant to his criminal liability under this section, and (b) to have dealt with the property as his own if he fails to pay or account upon lawful demand, or if an audit reveals a shortage or falsification of accounts.

Source: N. J. S. 2A:102–1 to 2A:102–9; 2A:102–10 amended 1954, c. 123, s. 1; 2A:102–11 amended 1954, c. 123, s. 2; 2A:102–12; Model Penal Code: 223.8.

C. 2C:20-10 Unlawful Taking of Means of Conveyance.

2C:20–10. Unlawful Taking of Means of Conveyance. a. A person commits a disorderly persons offense if he takes, operates, or exercises control over any means of conveyance without consent of the owner or other person authorized to give consent. "Means of conveyance" includes but is not limited to motor vehicles, motorcycles, motorbikes, bicycles, boats, vessels, surfboards, rafts, skimobiles, airplanes, trains, trams and trailers. It is an affirmative defense to prosecution under this section that the actor reasonably believed that the owner or any other person authorized to

give consent would have consented to the operation had he known of it.

b. A person commits a petty disorderly persons offense if he knowingly rides in a vehicle described in subsection a. which at the time he entered he knew or had been informed that it had been taken, or was being operated or controlled in violation of subsection a.

Source: N. J. S. 2A:170–38 amended 1972, c. 142, s. 1; Model Penal Code: 223.9.

C. 2C:20-11 Shoplifting.

2C:20–11. Shoplifting. a. Definitions. The following definitions apply to this section:

(1) "Shopping cart" means those push carts of the type or types which are commonly provided by grocery stores, drug stores or other retail mercantile establishments for the use of the public in transporting commodities in stores and markets and, incidentally, from the stores to a place outside the store;

(2) "Store or other retail mercantile establishment" means a place where merchandise is displayed, held, stored or sold or offered to the public for sale;

(3) "Merchandise" means any goods, chattels, foodstuffs or wares of any type and description, regardless of the value thereof;

(4) "Merchant" means any owner or operator of any store or other retail mercantile establishment, or any agent, servant, employee, lessee, consignee, officer, director, franchisee or independent contractor of such owner or proprietor;

(5) "Person" means any individual or individuals, including an agent, servant or employee of a merchant where the facts of the situation so require;

(6) "Conceal" means to conceal merchandise so that, although there may be some notice of its presence, it is not visible through ordinary observation;

(7) "Full retail value" means the merchant's stated or advertised price of the merchandise;

(8) "Premises of a store or retail mercantile establishment" means and includes but is not limited to, the retail mercantile establishment; any common use areas in shopping centers and all parking areas set aside by a merchant or on behalf of a merchant for the parking of vehicles for the convenience of the patrons of such retail mercantile establishment;

(9) "Under-ring" means to cause the cash register or other sale recording device to reflect less than the full retail value of the merchandise.

b. Shoplifting. Shoplifting shall consist of any one or more of the following acts:

(1) For any person purposely to take possession of, carry away, transfer or cause to be carried away or transferred, any merchandise displayed, held, stored or offered for sale by any store or other retail mercantile establishment with the intention of depriving the merchant of the possession, use or benefit of such merchandise or converting the same to the use of such person without paying to the merchant the full retail value thereof.

(2) For any person purposely to conceal upon his person or otherwise any merchandise offered for sale by any store or other retail mercantile establishment with the intention of depriving the merchant of the processes, use or benefit of such merchandise or converting the same to the use of such person without paying to the merchant the value thereof.

(3) For any person purposely to alter, transfer or remove any label, price tag or marking indicia of value or any other markings which aid in determining value affixed to any merchandise displayed, held, stored or offered for sale by any store or other retail mercantile establishment and to attempt to purchase such merchandise personally or in consort with another at less than the full retail value with the intention of depriving the merchant of all or some part of the value thereof.

(4) For any person purposely to transfer any merchandise displayed, held, stored or offered for sale by any store or other retail merchandise establishment from the container in or on which the same shall be displayed to any other container with intent to deprive the merchant of all or some part of the retail value thereof.

(5) For any person purposely to under-ring with the intention of depriving the merchant of the full retail value thereof.

(6) For any person purposely to remove a shopping cart from the premises of a store or other retail mercantile establishment without the consent of the merchant given at the time of such removal with the intention of permanently depriving the merchant of the possession, use or benefit of such cart.

c. Gradation. Any person found guilty of an offense under subsection b. is a disorderly person, except that notwithstanding the fine provided under 2C:43-3, such person shall be sentenced to pay

a fine of not more than $500.00 for a first offense; to pay a fine of not less than $100.00, nor more than $500.00 for a second offense and to pay a fine of not less than $250.00, nor more than $1,000.00 for a third and any subsequent offense. Additionally, notwithstanding the term of imprisonment provided in 2C:43-8, any person convicted of a third or subsequent shoplifting offense shall serve a minimum term of not less than 30 days.

d. Presumptions. Any person purposely concealing unpurchased merchandise of any store or other retail mercantile establishment, either on the premises or outside the premises of such store or other retail mercantile establishment, shall be prima facie presumed to have so concealed such merchandise with the intention of depriving the merchant of the possession, use or benefit of such merchandise without paying the full retail value thereof, and the finding of such merchandise upon the person or among the belongings of anings of such person shall be prima facie evidence of purposeful concealment; and if such person conceals, or causes to be concealed, such merchandise upon the person or among the belongings of another, the finding of the same shall also be prima facie evidence of willful concealment on the part of the person so concealing such merchandise.

Source: C. 2A:170-97 to 2A:170-99 (1962, c. 178, ss. 1-3).

Chapter 21. Forgery and Fraudulent Practices

Section

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2C:21–19. Wrongful Credit Practices and Related Offenses.

C. 2C:21-1 Forgery and Related Offenses.

2C:21–1. Forgery and Related Offenses. a. Forgery. A person is guilty of forgery if, with purpose to defraud or injure anyone, or with knowledge that he is facilitating a fraud or injury to be perpetrated by anyone, the actor:

(1) Alters or changes any writing of another without his authorization or ratification;

(2) Makes, completes, executes, authenticates, issues or transfers any writing so that it purports to be the act of another who did not authorize that act or of a fictitious person, or to have been executed at a time or place or in a numbered sequence other than was in fact the case, or to be a copy of an original when no such original existed; or

(3) Utters any writing which he knows to be forged in a manner specified in paragraphs (1) or (2).

"Writing" includes printing or any other method of recording information, money, coins, tokens, stamps, seals, credit cards, badges, trademarks, and other symbols of value, right, privilege, or identification.

b. Grading of forgery. Forgery is a crime of the third degree if the writing is or purports to be part of an issue of money, securities, postage or revenue stamps, or other instruments, certificates or licenses issued by the government, or part of an issue of stock, bonds or other instruments representing interest in or claims against any property or enterprise.

Otherwise forgery is a crime of the fourth degree.

c. Possession of forgery devices. A person is guilty of possession of forgery devices, a crime of the third degree, when with purpose to use, or to aid or permit another to use the same for purposes of forging written instruments, he makes or possesses any device, apparatus, equipment or article specially designed or adapted to such use.

Source: N. J. S. 2A:109–1 to 2A:109–11; C. 2A:111–25 (1952, c. 332, s. 1 amended 1953, c. 432, s. 1); C. 2A:111–26 (1952, c. 332, s. 2 amended 1953, c. 432, s. 2); C. 2A:111–27 (1952, c. 332, s. 3); N. J. S. 2A:147–1; Model Penal Code: 224.1.

C. 2C:21-2 Criminal Simulation.

2C:21–2. Criminal Simulation. A person commits a crime of the fourth degree if, with purpose to defraud anyone or with knowledge that he is facilitating a fraud to be perpetrated by anyone, he makes, alters or utters any object so that it appears to have value because of antiquity, rarity, source, or authorship which it does not possess.

Source: Model Penal Code: 224.2.

C. 2C:21-3 Frauds Relating to Public Records and Recordable Instruments.

2C:21–3. Frauds Relating to Public Records and Recordable Instruments. a. Fraudulent destruction, removal or concealment of recordable instruments. A person commits a crime of the third degree if, with purpose to deceive or injure anyone, he destroys, removes or conceals any will, deed, mortgage, security instrument or other writing for which the law provides public recording.

b. Offering a false instrument for filing. A person is guilty of a disorderly persons offense when, knowing that a written instrument contains a false statement or false information, he offers or presents it to a public office or public servant with knowledge or belief that it will be filed with, registered or recorded in or otherwise become a part of the records of such public office or public servant.

Source: N. J. S. 2A:119–4 and 2A:119–5; Model Penal Code: 224.3.

C. 2C:21-4 Falsifying or Tampering with Records.

2C:21–4. Falsifying or Tampering with Records. a. Except as provided in subsection b. of this section, a person commits a crime of the fourth degree if, knowing that he has no privilege to do so, he falsifies, destroys, removes or conceals any writing or record, with purpose to deceive or injure anyone or to conceal any wrongdoing.

b. Issuing a false financial statement. A person is guilty of issuing a false financial statement, a crime of the third degree, when, with purpose to deceive or injure anyone or to conceal any wrongdoing; he by oath or affirmation:

(1) Knowingly makes or utters a written instrument which purports to describe the financial condition or ability to pay of some person and which is inaccurate in some substantial respect; or

(2) Represents in writing that a written instrument purporting to describe a person's financial condition or ability to pay as of a prior date is accurate with respect to such person's current financial condition or ability to pay, whereas, he knows it is substantially inaccurate in that respect.

Source: N. J. S. 2A:91–3; 2A:91–5 to 2A:91–8; 2A:111–9 to 2A:111–12; C. 2A:111–39 (1968, c. 260); N. J. S. 2A:122–3; Model Penal Code: 224.4.

C. 2C:21-5 Bad Checks.

2C:21–5. Bad Checks. A person who issues or passes a check or similar sight order for the payment of money, knowing that it will not be honored by the drawee, commits a disorderly persons offense. For the purposes of this section as well as in any prosecution for theft committed by means of a bad check, an issuer is presumed to know that the check or money order (other than a post-dated check or order) would not be paid, if:

a. The issuer had no account with the drawee at the time the check or order was issued; or

b. Payment was refused by the drawee for lack of funds, upon presentation within 30 days after issue, and the issuer failed to make good within 10 days after receiving notice of that refusal.

Source: N. J. S. 2A:111–15 amended 1965, c. 184, s. 2; 2A:111–16 and 2A:111–17; C. 2A:170–50.4 to 2A:170–50.6 (1965, c. 184, ss. 3-5); Model Penal Code: 224.5.

C. 2C:21-6 Credit Cards.

2C:21–6. Credit Cards. A person commits a crime of the fourth degree if he uses a credit card for the purpose of obtaining property or services with knowledge that:

a. The card is stolen or forged;

b. The card has been revoked, canceled or expired;

c. For any other reason his use of the card is unauthorized by the issuer.

"Credit card" means a writing or other evidence of an undertaking to pay for property or services delivered or rendered to or upon the order of a designated person or bearer.

Source: C. 2A:111–40 to 2A:111–48 (1968, c. 300, ss. 1-9); C. 2A:111–49 (1968, c. 300, s. 10 amended 1969, c. 299); C. 2A:111–50 and 2A:111–51 (1968, c. 300, ss. 11, 12); Model Penal Code: 224.6.

C. 2C:21-7 Deceptive Business Practices.

2C:21–7. Deceptive Business Practices. A person commits an offense if in the course of business he:

a. Uses or possesses for use a false weight or measure, or any other device for falsely determining or recording any quality or quantity;

b. Sells, offers or exposes for sale, or delivers less than the represented quantity of any commodity or service;

c. Takes or attempts to take more than the represented quantity of any commodity or service when as buyer he furnishes the weight or measure;

d. Sells, offers or exposes for sale adulterated or mislabeled commodities;

e. Makes a false or misleading statement in any advertisement addressed to the public or to a substantial segment thereof for the purpose of promoting the purchase or sale of property or services;

f. Makes a false or misleading written statement for the purpose of obtaining property or credit; or

g. Makes a false or misleading written statement for the purpose of promoting the sale of securities, or omits information required by law to be disclosed in written documents relating to securities.

The offense is a crime of the fourth degree if subsection f. or g. is violated. Otherwise it is a disorderly persons offense.

It is an affirmative defense to prosecution under this section if the defendant proves by a preponderance of the evidence that his conduct was not knowingly or recklessly deceptive.

"Adulterated" means varying from the standard of composition or quality prescribed by or pursuant to any statute providing criminal penalties for such variance, or set by established commercial usage. "Mislabeled" means varying from the standard of truth or disclosure in labeling prescribed by or pursuant to any statute providing criminal penalties for such variance, or set by established commercial usage.

Source: N. J. S. 2A:108–1 to 2A:108–4; 2A:108–5 amended 1966, c. 215, s. 1; 2A:108–6; 2A:108–7 amended 1966, c. 215, s. 2; 1967, c. 98; 2A:111–22 to 2A:111–24; C. 2A:111–32 (1960, c. 62, s. 1 amended 1967, c. 301, s. 3); N. J. S. 2A:150–1; 2A:170–42; 2A:170–72; Model Penal Code: 224.7.

C. 2C:21-8 Misrepresentation of Mileage of Motor Vehicle.

2C:21–8. Misrepresentation of Mileage of Motor Vehicle. A person commits a disorderly persons offense when he sells, exchanges,

offers for sale or exchange or exposes for sale or exchange a used motor vehicle on which he has changed or disconnected the mileage registering instrument on the vehicle to show a lesser mileage reading than that actually recorded on the vehicle or on the instrument with purpose to misrepresent the mileage of the vehicle. This provision shall not prevent the servicing, repair or replacement of a mileage registering instrument which by reason of normal wear or through damage requires service, repair or replacement if the instrument is then set at zero or at the actual previously recorded mileage.

In addition to the penalty authorized for violation of this section, the Director of the Division of Motor Vehicles may, after notice and hearing, revoke the license of any motor vehicle dealer as defined in R. S. 39:1–1 so convicted.

Source: C. 2A:170–50.1 (1956, c. 195, s. 1 amended 1957, c. 125 s. 1); C. 2A:170–50.2 (1956, c. 195, s. 2 amended 1957, c. 125, s. 2); C. 2A:170–50.3 (1956, c. 195, s. 3 amended 1957, c. 125, s. 3).

C. 2C:21-9 Misconduct by Corporate Official.

2C:21–9. Misconduct by Corporate Official. A person is guilty of a crime when:

a. Being a director of a stock corporation, he knowingly with purpose to defraud, concurs in any vote or act of the directors of such corporation, or any of them, which has the purpose of:

(1) Making a dividend except in the manner provided by law;

(2) Dividing, withdrawing or in any manner paying to any stockholder any part of the capital stock of the corporation except in the manner provided by law;

(3) Discounting or receiving any note or other evidence of debt in payment of an installment of capital stock actually called in and required to be paid, or with purpose of providing the means of making such payment;

(4) Receiving or discounting any note or other evidence of debt with purpose of enabling any stockholder to withdraw any part of the money paid in by him on his stock; or

(5) Applying any portion of the funds of such corporation, directly or indirectly, to the purchase of shares of its own stock, except in the manner provided by law; or

b. Being a director or officer of a stock corporation, he, with purpose to defraud:

(1) Issues, participates in issuing, or concurs in a vote to issue any increase of its capital stock beyond the amount of the capital stock thereof, duly authorized by or in pursuance of law; or

(2) Sells, or agrees to sell, or is directly interested in the sale of any share of stock of such corporation, or in any agreement to sell the same, unless at the time of such sale or agreement he is an actual owner of such share, provided that the foregoing shall not apply to a sale by or on behalf of an underwriter or dealer in connection with a bona fide public offering of shares of stock of such corporation.

If the benefit derived from a violation of this section exceeds $75,000.00, the offender shall be guilty of a crime of the second degree. If the benefit derived exceeds $1,000.00, the offender shall be guilty of a crime of the third degree. If the benefit derived is less than $1,000.00, the offender shall be guilty of a crime of the fourth degree.

Source: N. J. S. 2A:111–12.

C. 2C:21-10 Commercial Bribery and Breach of Duty to Act Disinterestedly.

2C:21–10. Commercial Bribery and Breach of Duty to Act Disinterestedly. a. A person commits a crime if he solicits, accepts or agrees to accept any benefit as consideration for knowingly violating or agreeing to violate a duty of fidelity to which he is subject as:

(1) An agent, partner or employee of another;

(2) A trustee, guardian, or other fiduciary;

(3) A lawyer, physician, accountant, appraiser, or other professional adviser or informant;

(4) An officer, director, manager or other participant in the direction of the affairs of an incorporated or unincorporated association;

(5) A labor official, including any duly appointed representative of a labor organization or any duly appointed trustee or representative of an employee welfare trust fund; or

(6) An arbitrator or other purportedly disinterested adjudicator or referee.

If the benefit derived from a violation of this section exceeds $75,000.00, the offender shall be guilty of a crime of the second degree. If the benefit derived exceeds $1,000.00, the offender shall be guilty of a crime of the third degree. If the benefit derived is less than $1,000.00, the offender shall be guilty of a crime of the fourth degree.

b. A person who holds himself out to the public as being engaged in the business of making disinterested selection, appraisal, or criticism of commodities, real properties or services commits a crime of the fourth degree if he solicits, accepts or agrees to accept any benefit to influence his selection, appraisal or criticism.

c. A person commits a crime of the fourth degree if he confers, or offers or agrees to confer, any benefit the acceptance of which would be criminal under this section.

Source: Model Penal Code: 224.8.

C. 2C:21-11 Rigging Publicly Exhibited Contest.

2C:21–11. Rigging Publicly Exhibited Contest. a. A person commits a crime if, with purpose to prevent a publicly exhibited contest from being conducted in accordance with the rules and usages which govern it, he:

(1) Confers or offers or agrees to confer any benefit upon, or threatens any injury to a participant, official or other person associated with the contest or exhibition; or

(2) Tampers with any person, animal or thing.

If the benefit derived from a violation of this subsection exceeds $75,000.00, the offender shall be guilty of a crime of the second degree. If the benefit derived exceeds $1,000.00, the offender shall be guilty of a crime of the third degree. If the benefit derived is less than $1,000.00, the offender shall be guilty of a crime of the fourth degree.

b. Soliciting or accepting benefit for rigging. A person commits a crime of the fourth degree if he knowingly solicits, accepts or agrees to accept any benefit the giving of which would be criminal under subsection a.

c. Failure to report solicitation for rigging. A person commits a disorderly persons offense if he fails to report, with reasonable promptness, a solicitation to accept any benefit or to do any tampering, the giving or doing of which would be criminal under subsection a.

d. Participation in rigged contest. A person commits a crime of the fourth degree if he knowingly engages in, sponsors, produces, judges, or otherwise participates in a publicly exhibited contest knowing that the contest is not being conducted in violation of subsection a. of this section.

Source: N. J. S. 2A:93–10 to 2A:93–14; Model Penal Code: 224.9.

C. 2C:21-12 Defrauding Secured Creditors.

2C:21–12. Defrauding Secured Creditors. A person is guilty of a crime of the fourth degree when he destroys, removes, conceals, encumbers, transfers or otherwise deals with property subject to a security interest with purpose to hinder enforcement of that interest.

Source: N. J. S. 2A:111–20; C. 2A:111–21.1 (1964, c. 179); N. J. S. 2A:122–2; Model Penal Code: 224.10.

C. 2C:21-13 Fraud in Insolvency.

2C:21–13. Fraud in Insolvency. A person commits a crime if, knowing that proceedings have been or are about to be instituted for the appointment of a receiver or other person entitled to administer property for the benefit of creditors, or that any other composition or liquidation for the benefit of creditors has been or is about to be made, he:

a. Destroys, removes, conceals, encumbers, transfers, or otherwise deals with any property or obtains any substantial part of or interest in the debtor's estate with purpose to defeat or obstruct the claim of any creditor, or otherwise to obstruct the operation of any law relating to administration of property for the benefit of creditors;

b. Knowingly falsifies any writing or record relating to the property; or

c. Knowingly misrepresents or refuses to disclose to a receiver or other person entitled to administer property for the benefit of creditors, the existence, amount or location of the property, or any other information which the actor could be legally required to furnish in relation to such administration.

If the benefit derived from violation of this section exceeds $75,000.00, the offender shall be guilty of a crime of the second degree. If the benefit derived exceeds $1,000.00 but not more than $75,000.00, the offender shall be guilty of a crime of the third degree. If the benefit derived is less than $1,000.00, the offender shall be guilty of a crime of the fourth degree.

Source: Model Penal Code: 224.11.

C. 2C:21-14 Receiving Deposits in a Failing Financial Institution.

2C:21–14. Receiving Deposits in a Failing Financial Institution. An officer, manager or other person directing or participating in the direction of a financial institution commits a crime of the fourth degree if he receives or permits the receipt of a deposit, premium payment or other investment in the institution knowing that:

a. Due to financial difficulties the institution is about to suspend operations or go into receivership or reorganization; and

b. The person making the deposit or other payment is unaware of the precarious situation of the institution.

Source: N. J. S. 2A:91–8; Model Penal Code: 224.12.

C. 2C:21-15 Misapplication of Entrusted Property and Property of Government or Financial Institution.

2C:21–15. Misapplication of Entrusted Property and Property of Government or Financial Institution. A person commits a crime if he applies or disposes of property that has been entrusted to him as a fiduciary, or property of the government or of a financial institution in a manner which he knows is unlawful and involves substantial risk of loss or detriment to the owner of the property or to a person for whose benefit the property was entrusted whether or not the actor has derived a pecuniary benefit. "Fiduciary" includes trustee, guardian, executor, administrator, receiver and any person carrying on fiduciary functions on behalf of a corporation or other organization which is a fiduciary.

If the benefit derived from violation of this section exceeds $75,000.00, the offender shall be guilty of a crime of the second degree. If the benefit derived exceeds $1,000.00 but not more than $75,000.00, the offender shall be guilty of a crime of the third degree. If the benefit derived is less than $1,000.00, the offender shall be guilty of a crime of the fourth degree.

Source: N. J. S. 2A:102–2 and 2A:102–3; C. 2A:111–30 (1954, c. 58, s. 3); N. J. S. 2A:135–3 amended 1960, c. 97; 2A:135–5; Model Penal Code: 224.13.

C. 2C:21-16 Securing Execution of Documents by Deception.

2C:21–16. Securing Execution of Documents by Deception. A person commits a crime of the fourth degree if by deception as to the contents of the instrument, he causes or induces another to execute any instrument affecting, purporting to affect, or likely to affect the pecuniary interest of any person.

Source: N. J. S. 2A:111–5; Model Penal Code: 224.14.

C. 2C:21-17 Wrongful Impersonating.

2C:21–17. Wrongful Impersonating. A person is guilty of a disorderly persons offense when he:

(1) Impersonates another or assumes a false identity and does an act in such assumed character or false identity for purpose of obtaining a pecuniary benefit for himself or another or to injure or defraud another; or

(2) Pretends to be a representative of some person or organization and does an act in such pretended capacity for the purpose of obtaining a benefit for himself or another or to injure or defraud another.

Source: N. J. S. 2A:111–18; 2A:116–1 to 2A:116–3; 2A:170–19.

C. 2C:21-18 Slugs.

2C:21–18. Slugs. A person is guilty of a petty disorderly persons offense when:

(1) He inserts or deposits a slug in a coin machine with purpose to defraud; or

(2) He makes, possesses or disposes of a slug with purpose to enable a person to insert or deposit it in a coin machine.

"Slug" means an object or article which, by virtue of its size, shape or any other quality is capable of being inserted or deposited in a coin machine as an improper substitute for money.

Nothing in this section shall be deemed applicable to any activities permitted pursuant to P. L. 1977, c. 110, "The Casino Control Act."

Source: N. J. S. 2A:111–7; 2A:170–49.

C. 2C:21-19 Wrongful Credit Practices and Related Offenses.

2C:21–19. Wrongful Credit Practices and Related Offenses. a. Criminal usury. A person is guilty of criminal usury when not being authorized or permitted by law to do so, he:

(1) Loans or agrees to loan, directly or indirectly, any money or other property at a rate exceeding the maximum rate permitted by law; or

(2) Takes, agrees to take, or receives any money or other property as interest on the loan or on the forbearance of any money or other interest in excess of the maximum rate permitted by law.

Criminal usury is a crime of the second degree if the rate of interest on any loan made to any person exceeds 50% per annum or the equivalent rate for a longer or shorter period. It is a crime of the third degree if the interest rate on any loan made to any person except a corporation does not exceed 50% per annum but the amount of the loan or forbearance exceeds $1,000.00. Otherwise, making a loan to any person in violation of subsection a. (1) and a. (2) of this section is a disorderly persons offense.

b. Business of criminal usury. Any person who knowingly engages in the business of making loans or forbearances in violation

of subsection a. is guilty of a crime of the second degree and may be subject to a fine not to exceed $25,000.00.

c. Possession of usurious loan records. A person is guilty of a crime of the third degree when, with knowledge of the nature thereof, he possesses any writing, paper instrument or article used to record criminally usurious transactions prohibited by subsection a.

d. Unlawful collection practices. A person is guilty of a disorderly persons offense when, with purpose to enforce a claim or judgment for money or property, he sends, mails or delivers to another person a notice, document or other instrument which has no judicial or official sanction and which in its format or appearance simulates a summons, complaint, court order or process or an insignia, seal or printed form of a Federal, State or local government or an instrumentality thereof, or is otherwise calculated to induce a belief that such notice, document or instrument has a judicial or official sanction.

e. Making a false statement of credit terms. A person is guilty of a disorderly persons offense when he understates or fails to state the interest rate, or fails to make or makes a false or inaccurate or incomplete statement of any other credit terms.

f. Debt adjusters. Any person who shall act or offer to act as a debt adjuster shall be guilty of a crime of the fourth degree. "Debt adjuster" means a person who acts or offers to act for a consideration as an intermediary between a debtor and his creditors for the purpose of settling, compounding, or otherwise altering the terms of payment of any debts of the debtor and, to that end, receives money or other property from the debtor, or on behalf of the debtor, for payment to, or distribution among, the creditors of the debtor. "Debtor" means an individual or two or more individuals who are jointly and severally, or jointly or severally indebted.

The following persons shall not be deemed debt adjusters for the purposes of this section: an attorney at law of this State; a person who is a regular, full-time employee of a debtor, and who acts as an adjuster of his employer's debts; a person acting pursuant to any order or judgment of court, or pursuant to authority conferred by any law of this State or of the United States; a person who is a creditor of the debtor, or an agent of one or more creditors of the debtor, and whose services in adjusting the debtor's debts are rendered without cost to the debtor; or a person who,

at the request of a debtor, arranges for or makes a loan to the debtor, and who, at the authorization of the debtor, acts as an adjuster of the debtor's debts in the disbursement of the proceeds of the loan, without compensation for the services rendered in adjusting such debts.

Source: C. 2A:99A–1 and 2A:99A–2 (1960, c. 177, ss. 1, 2); C. 2A:99A–4 (1960, c. 177, s. 4 amended 1977, c. 391); C. 2A:119A–1 (1968, c. 349, s. 1 amended 1970, c. 76); C. 2A:119A–2 to 2A:119A–4 (1968, c. 349, ss. 2-4); C. 2A:170–102 (1968, c. 256, s. 1 amended 1970, c. 75); 2A:170–103 (1968, c. 256, s. 2).

CHAPTER 22. [RESERVED]

CHAPTER 23. [RESERVED]

PART 3. OFFENSES AGAINST OTHERS

CHAPTER 24. OFFENSES AGAINST THE FAMILY, CHILDREN AND INCOMPETENTS

Section

2C:24–1. Bigamy.
2C:24–2. Blank.
2C:24–3. Blank.
2C:24–4. Endangering Welfare of Children.
2C:24–5. Willful Non-Support.
2C:24–6. Unlawful Adoptions.
2C:24–7. Endangering the Welfare of an Incompetent Person.

C. 2C:24-1 Bigamy.

2C:24–1. Bigamy. a. Bigamy. A married person is guilty of bigamy, a disorderly persons offense, if he contracts or purports to contract another marriage, unless at the time of the subsequent marriage:

(1) The actor believes that the prior spouse is dead;

(2) The actor and the prior spouse have been living apart for 5 consecutive years throughout which the prior spouse was not known by the actor to be alive;

(3) A court has entered a judgment purporting to terminate or annul any prior disqualifying marriage, and the actor does not know that judgment to be invalid; or

(4) The actor reasonably believes that he is legally eligible to remarry.

b. Other party to bigamous marriage. A person is guilty of bigamy if he contracts or purports to contract marriage with another knowing that the other is thereby committing bigamy.

Source: N. J. S. 2A:92–1 and 2A:92–2; Model Penal Code: 230.1.

C. 2C:24-2 Blank.

2C:24–2. Blank.

C. 2C:24-3 Blank.

2C:24–3. Blank.

C. 2C:24-4 Endangering Welfare of Children.

2C:24–4. Endangering Welfare of Children. a. Any person having a legal duty for the care of a child or who has assumed responsibility for such care, who causes such child such harm as would make such child an abused or neglected child as defined in P. L. 1974, c. 119, § 1 (C. 9:6–8.21) shall be guilty of a crime of the third degree.

b. As used in this subsection:

(1) "Child" shall mean any person under 16 years of age.

(2) "Prohibited sexual act" means

(a) Sexual intercourse; or

(b) Anal intercourse; or

(c) Masturbation; or

(d) Bestiality; or

(e) Sadism; or

(f) Masochism; or

(g) Fellatio; or

(h) Cunnilingus; or

(i) Any other sexual activity; or

(j) Nudity, if such nudity is to be depicted for the purpose of sexual stimulation or gratification of any person who may view such depiction.

(3) Any person, including any parent, guardian, or other person legally charged with the care or custody of a child, who causes or permits a child to engage in a prohibited sexual act or in the simulation of such an act if such person knows, has reason to know or intends that such act may be photographed or filmed is guilty of a crime of the second degree.

(4) Any person who photographs or films a child in a prohibited sexual act or in the simulation of such an act is guilty of a crime of the second degree.

(5) Any person who knowingly receives for the purpose of selling or who sells any photograph or film which depicts a child engaging in a prohibited sexual act or in the simulation of such an act, is guilty of a crime of the second degree.

(6) For purposes of this subsection, a person who is depicted as or presents the appearance of being under the age of 16 in any photograph or film shall be rebuttably presumed to be under the age of 16.

Source: N. J. S. 2A:96–2 to 2A:96–4; C. 2A:142A–1 to 2A:142A–5 (1977, c. 329); C. 9:6–8.21 (1974, c. 119, s. 1); Model Penal Code: 230.4.

C. 2C:24-5 Willful Nonsupport.

2C:24–5. Willful Nonsupport. A person commits a crime of the fourth degree if he willfully fails to provide support which he can provide and which he knows he is legally obliged to provide to a spouse, child or other dependent. In addition to the sentence authorized by the code, the court may proceed under section 2C:62–1.

Source: N. J. S. 2A:100–1 and 2A:100–2; Model Penal Code: 230.5.

C. 2C:24-6 Unlawful Adoptions.

2C:24–6. Unlawful Adoptions. a. Placing child for adoption without legal authority. Any person who shall place, offer to place, or aid in the placement of a child with any other person for the purpose of adoption is guilty of a crime of the fourth degree. This section shall not apply:

(1) To the placement of a child with a brother, sister, aunt, uncle, grandparent or stepparent of such child;

(2) To the parent who has legal custody of such child;

(3) To any other person who shall have been approved by law for such purpose; or

(4) To any attorney who aids in such an authorized placement.

b. Placing child for adoption for consideration. Any person, including a natural parent or parent by adoption, other than an agency approved by law to place children for adoption, who shall place, offer to place, or aid in the placement of a child in the home of any other person for the purpose of adoption and, in so doing, take, receive or pay any pecuniary benefit or obligation, other than expenses in connection with the birth or illness of the child, or legal fees connected with the adoption is guilty of a crime of the third degree.

Source: New. See C. 2A:96–6 and 2A:96–7 (1953, c. 265, s. 2 repealed 1977, c. 367, s. 20) and C. 9:3–39 and 9:3–54 (1977, c. 367, ss. 3, 18).

C. 2C:24-7 Endangering the Welfare of an Incompetent Person.

2C:24–7. Endangering the Welfare of an Incompetent Person. A person is guilty of a disorderly persons offense when he knowingly acts in a manner likely to be injurious to the physical, mental or moral welfare of a person who is unable to care for himself because of mental disease or defect.

Source: N. J. S. 2A:138–2.

CHAPTER 25. [RESERVED]

CHAPTER 26. [RESERVED]

PART 4. OFFENSES AGAINST PUBLIC ADMINISTRATION

CHAPTER 27. BRIBERY AND CORRUPT INFLUENCE

Section

2C:27–1. Definitions.
2C:27–2. Bribery in Official and Political Matters.
2C:27–3. Threats and Other Improper Influence in Official and Political Matters.
2C:27–4. Compensation for Past Official Behavior.
2C:27–5. Retaliation for Past Official Action.
2C:27–6. Gifts to Public Servants by Persons Subject to Their Jurisdiction.
2C:27–7. Compensating Public Servant for Assisting Private Interests in Relation to Matters Before Him.
2C:27–8. Selling Political Endorsement; Special Influence.

C. 2C:27-1 Definitions.

2C:27–1. Definitions. In chapter 27–30, unless a different meaning plainly is required:

a. "Benefit" means gain or advantage, or anything regarded by the beneficiary as gain or advantage, including benefit to any other person or entity in whose welfare he is interested;

b. "Government" includes any branch, subdivision or agency of the government of the State or any locality within it;

c. "Harm" means loss, disadvantage or injury, or anything so regarded by the person affected, including loss, disadvantage or

injury to any other person or entity in whose welfare he is interested;

d. "Official proceeding" means a proceeding heard or which may be heard before any legislative, judicial, administrative or other governmental agency, arbitration proceeding, or official authorized to take evidence under oath, including any arbitrator, referee, hearing examiner, commissioner, notary or other person taking testimony or deposition in connection with any such proceeding;

e. "Party official" means a person who holds an elective or appointive post in a political party in the United States by virtue of which he directs or conducts, or participates in directing or conducting party affairs at any level of responsibility;

f. "Pecuniary benefit" is benefit in the form of money, property, commercial interests or anything else the primary significance of which is economic gain;

g. "Public servant" means any officer or employee of government, including legislators and judges, and any person participating as juror, advisor, consultant or otherwise, in performing a governmental function, but the term does not include witnesses;

h. "Administrative proceeding" means any proceeding, other than a judicial proceeding, the outcome of which is required to be based on a record or documentation prescribed by law, or in which law or regulation is particularized in application to individuals;

j. "Statement" means any representation, but includes a representation of opinion, belief or other state of mind only if the representation clearly relates to state of mind apart from or in addition to any facts which are the subject of the representation.

Source: Model Penal Code: 240.0, 241.0.

C. 2C:27-2 Bribery in Official and Political Matters.

2C:27-2. Bribery in Official and Political Matters. A person is guilty of bribery if he offers, confers or agrees to confer upon another, or solicits, accepts or agrees to accept from another:

a. Any pecuniary benefit as consideration for the recipient's decision, opinion, recommendation, vote or other exercise of discretion as a public servant, party official or voter; or

b. Any benefit as consideration for the recipient's decision, vote, recommendation or other exercise of official discretion in a judicial or administrative proceeding; or

c. Any benefit as consideration for a violation of a known legal duty as public servant or party official.

It is no defense to prosecution under this section that a person whom the actor sought to influence was not qualified to act in the desired way whether because he had not yet assumed office, or lacked jurisdiction, or for any other reason.

In any prosecution under this section of an actor who solicited, accepted or agreed to accept a benefit, it is no defense that he did so as a result of conduct by another constituting theft by extortion or coercion or an attempt to commit either of those crimes.

Any offense proscribed by this section shall be a crime of the second degree. If the thing of value offered, conferred, agreed to be conferred, solicited, accepted or agreed to be accepted is money in an amount of $200.00 or less, any offense proscribed by this section shall be a crime of the third degree.

Source: N. J. S. 2A:93–1 to 2A:93–3; 2A:93–4 amended 1977, c. 214, s. 2; 2A:93–6 amended 1977, c. 214, s. 4; 2A:103–1 and 2A:103–2; 2A:105–1 amended 1977, c. 214, s. 6; 2A:105–2 amended 1977, c. 214, s. 7; Model Penal Code: 240.1.

C. 2C:27-3 Threats and Other Improper Influence in Official and Political Matters.

2C:27–3. Threats and Other Improper Influence in Official and Political Matters. a. Offenses defined. A person commits an offense if he:

(1) Threatens unlawful harm to any person with purpose to influence his decision, opinion, recommendation, vote or other exercise of discretion as a public servant, party official or voter;

(2) Threatens harm to any public servant with purpose to influence his decision, opinion, recommendation, vote or other exercise of discretion in a judicial or administrative proceeding;

(3) Threatens harm to any public servant or party official with purpose to influence him to violate his known legal duty; or

(4) Privately addresses to any public servant who has or will have an official discretion in a judicial or administrative proceeding any representation, entreaty, argument or other communication with purpose to influence the outcome on the basis of considerations other than those authorized by law.

It is no defense to prosecution under this section that a person whom the actor sought to influence was not qualified to act in the desired way, whether because he had not yet assumed office or lacked jurisdiction, or for any other reason.

b. Grading. An offense under this section is a crime of the third degree.

Source: Model Penal Code: 240.2.

C. 2C:27-4 Compensation for Past Official Behavior.

2C:27–4. Compensation for Past Official Behavior. A person commits a crime if he knowingly solicits, accepts or agrees to accept any pecuniary benefit as compensation for having, as public servant, given a decision, opinion, recommendation or vote favorable to another, or for having otherwise exercised a discretion in his favor, or for having violated his duty. A person commits a crime if he offers, confers or agrees to confer compensation acceptance of which is prohibited by this section. Any offense proscribed by this section shall be a crime of the second degree. If the thing of value solicited, accepted, agreed to be accepted, offered, conferred or agreed to be conferred is money in an amount of $200.00 or less, any offense proscribed by this section shall be a crime of the third degree.

Source: Model Penal Code: 240.3.

C. 2C:27-5 Retaliation for Past Official Action.

2C:27–5. Retaliation for Past Official Action. A person commits a crime of the fourth degree if he harms another by any unlawful act with purpose to retaliate for or on account of the service of another as a public servant.

Source: Model Penal Code: 240.4.

C. 2C:27-6 Gifts to Public Servants by Persons Subject to Their Jurisdiction.

2C:27–6. Gifts to Public Servants by Persons Subject to Their Jurisdiction. a. Regulatory and law enforcement officials. No public servant in any department or agency exercising regulatory functions, or conducting inspections or investigations, or carrying on civil or criminal litigation on behalf of the government, or having custody of prisoners, shall solicit, accept or agree to accept any thing of value from a person as consideration for any action pertaining to such regulation, inspection, investigation, custody or litigation.

b. Officials concerned with government contracts and pecuniary transactions. No public servant having any discretionary function to perform in connection with contracts, purchases, payments, claims or other pecuniary transactions of the government shall solicit, accept or agree to accept any thing of value from any person as consideration for any action pertaining to any such contract, purchase, payment, claim or transaction.

c. Judicial and administrative officials. No public servant having judicial or administrative authority and no public servant employed by or in a court or other tribunal having such authority, or participating in the enforcement of its decisions, shall solicit, or accept or agree to accept any thing of value from a person as consideration for any action pertaining to any matter before such public servant or a tribunal.

d. Legislative officials. No legislator or public servant employed by the legislature or by any committee or agency thereof shall solicit, accept or agree to accept any personal thing of value from any person as consideration for any action pertaining to a bill, transaction or proceeding, pending or contemplated, before the legislature or any committee or agency thereof.

e. Exceptions. This section shall not apply to:

(1) Fees prescribed by law to be received by a public servant, or any other benefit for which the recipient gives legitimate consideration or to which he is otherwise legally entitled; or

(2) Gifts or other benefits conferred on account of kinship or other personal, professional or business relationship independent of the official status of the receiver; or

(3) Trivial benefits incidental to personal, professional or business contacts and involving no substantial risk of undermining official impartiality.

f. Offering benefits prohibited. No person shall knowingly confer, or offer or agree to confer, any benefit prohibited by the foregoing subsections.

g. Grade of offense. An offense proscribed by this section shall be a crime of the second degree. If the thing of value solicited, accepted, agreed to be accepted, conferred, offered, or agreed to be conferred is money in an amount of $200.00 or less, an offense proscribed by this section shall be a crime of the third degree.

Source: Model Penal Code: 240.5.

C. 2C:27-7 Compensating Public Servant for Assisting Private Interests in Relation to Matters Before Him.

2C:27-7. Compensating Public Servant for Assisting Private Interests in Relation to Matters Before Him. a. Receiving Compensation. A public servant commits a crime if he solicits, accepts or agrees to accept any pecuniary benefit for advice or other assistance in preparing or promoting a bill, contract, claim, or other transaction or proposal as to which he knows that he has or is likely to have an official discretion to exercise.

b. Paying compensation. A person commits a crime if he pays or offers or agrees to pay any pecuniary benefit to a public servant with knowledge that acceptance by the public servant is unlawful.

An offense proscribed by this section shall be a crime of the second degree. If the thing of value solicited, accepted, agreed to be accepted, paid, offered or agreed to be paid is money in an amount of $200.00 or less, an offense proscribed by this section shall be a crime of the third degree.

Source: Model Penal Code: 240.6.

C. 2C:27-8 Selling Political Endorsement; Special Influence.

2C:27-8. Selling Political Endorsement; Special Influence. a. Selling political endorsement. A person commits a crime if he solicits, receives, agrees to receive, or agrees that any political party or other person shall receive, any pecuniary benefit as consideration for approval or disapproval of an appointment or advancement in public service, or for approval or disapproval of any person or transaction for any benefit conferred by an official or agency of government. "Approval" includes recommendation, failure to disapprove, or any other manifestation of favor or acquiescence. "Disapproval" includes failure to approve, or any other manifestation of disfavor or nonacquiescence.

b. Other trading in special influence. A person commits a crime if he solicits, receives, or agrees to receive any pecuniary benefit as consideration for exerting special influence upon a public servant or procuring another to do so. "Special influence" means power to influence through kinship, friendship or other relationship, apart from the merits of the transaction.

c. Paying for endorsement or special influence. A person commits a crime if he offers, confers or agrees to confer any pecuniary benefit, receipt of which is prohibited by this section.

An offense proscribed by this section shall be a crime of the second degree. If the thing of value solicited, received, agreed to be received, offered, conferred or agreed to be conferred is money in an amount of $200.00 or less, an offense proscribed by this section shall be a crime of the third degree.

Source: N. J. S. 2A:93-6 amended 1977, c. 214, s. 4; Model Penal Code: 240.7.

Chapter 28. Perjury and Other Falsification in Official Matters

Section

2C:28–1. Perjury.
2C:28–2. False Swearing.
2C:28–3. Unsworn Falsification to Authorities.
2C:28–4. False Reports to Law Enforcement Authorities.
2C:28–5. Tampering With Witnesses and Informants; Retaliation Against Them.
2C:28–6. Tampering With or Fabricating Physical Evidence.
2C:28–7. Tampering With Public Records or Information.
2C:28–8. Impersonating a Public Servant.

C. 2C:28-1 Perjury.

2C:28–1. Perjury. a. Offense defined. A person is guilty of perjury, a crime of the third degree, if in any official proceeding he makes a false statement under oath or equivalent affirmation, or swears or affirms the truth of a statement previously made, when the statement is material and he does not believe it to be true.

b. Materiality. Falsification is material, regardless of the admissibility of the statement under rules of evidence, if it could have affected the course or outcome of the proceeding or the disposition of the matter. It is no defense that the declarant mistakenly believed the falsification to be immaterial. Whether a falsification is material is a question of law.

c. Irregularities no defense. It is not a defense to prosecution under this section that the oath or affirmation was administered or taken in an irregular manner. A document purporting to be made upon oath or affirmation at any time when the actor presents it as being so verified shall be deemed to have been duly sworn or affirmed.

d. Retraction. It is an affirmative defense under this section that the actor retracted the falsification in the course of the proceeding or matter in which it was made prior to the termination of the proceeding or matter.

e. Corroboration. No person shall be convicted of an offense under this section where proof of falsity rests solely upon contradiction by testimony of a single person other than the defendant.

Source: N. J. S. 2A:131–1 to 2A:131–7; Model Penal Code: 241.1.

C. 2C:28-2 False Swearing.

2C:28–2. False Swearing. a. False swearing. A person who makes a false statement under oath or equivalent affirmation, or swears or affirms the truth of such a statement previously made, when he does not believe the statement to be true, is guilty of a disorderly persons offense.

b. Perjury provisions applicable. Subsections c. and d. of section 2C:28–1 apply to the present section.

c. Inconsistent statements. Where the defendant made inconsistent statements under oath or equivalent affirmation, both having been made within the period of the statute of limitations, the prosecution may proceed by setting forth the inconsistent statements in a single count alleging in the alternative that one or the other was false and not believed by the defendant. In such case it shall not be necessary for the prosecution to prove which statement was false but only that one or the other was false and not believed by the defendant to be true.

Source: N. J. S. 2A:131–4 and 2A:131–5; 2A:131–7; Model Penal Code: 241.2.

C. 2C:28-3 Unsworn Falsification to Authorities.

2C:28–3. Unsworn Falsification to Authorities. a. Statements "Under Penalty." A person commits a disorderly persons offense if he makes a written false statement which he does not believe to be true, on or pursuant to a form bearing notice, authorized by law, to the effect that false statements made therein are punishable.

b. In general. A person commits a petty disorderly persons offense if, with purpose to mislead a public servant in performing his function, he:

(1) Makes any written false statement which he does not believe to be true;

(2) Purposely creates a false impression in a written application for any pecuniary or other benefit, by omitting information necessary to prevent statements therein from being misleading;

(3) Submits or invites reliance on any writing which he knows to be forged, altered or otherwise lacking in authenticity: or

(4) Submits or invites reliance on any sample, specimen, map, boundary-mark, or other object which he knows to be false.

c. Perjury provisions applicable. Subsections c. and d. of section 2C:28–1 and subsection c. of 2C:28–2 apply to the present section.

Source: Model Penal Code: 241.3.

C. 2C:28-4 False Reports to Law Enforcement Authorities.

2C:28–4. False Reports to Law Enforcement Authorities. a. Falsely incriminating another. A person who knowingly gives or causes to be given false information to any law enforcement officer with purpose to implicate another commits a crime of the fourth degree.

b. Fictitious reports. A person commits a disorderly persons offense if he:

(1) Reports or causes to be reported to law enforcement authorities an offense or other incident within their concern knowing that it did not occur; or

(2) Pretends to furnish or causes to be furnished such authorities with information relating to an offense or incident when he knows he has no information relating to such offense or incident.

Source: C. 2A:148–22.1 (1957, c. 49, s. 1); N. J. S. 2A:170–9 amended 1971, c. 87, s. 1; Model Penal Code: 241.5.

C. 2C:28-5 Tampering With Witnesses and Informants; Retaliation Against Them.

2C:28–5. Tampering With Witnesses and Informants; Retaliation Against Them. a. Tampering. A person commits an offense if, believing that an official proceeding or investigation is pending or about to be instituted, he knowingly attempts to induce or otherwise cause a witness or informant to:

(1) Testify or inform falsely;

(2) Withhold any testimony, information, document or thing;

(3) Elude legal process summoning him to testify or supply evidence; or

(4) Absent himself from any proceeding or investigation to which he has been legally summoned.

The offense is a crime of the third degree if the actor employs force, deception, threat or offer of pecuniary benefit. Otherwise it is a crime of the fourth degree. Privileged communications may not be used as evidence in any prosecution for violations of paragraphs (2), (3) or (4).

b. Retaliation against witness or informant. A person commits a crime of the fourth degree if he harms another by an unlawful act with purpose to retaliate for or on account of the service of another as a witness or informant.

c. Witness or informant taking bribe. A person commits a crime of the third degree if he solicits, accepts or agrees to accept any

benefit in consideration of his doing any of the things specified in subsections a. (1) through (4) of this section.

Source: Model Penal Code: 241.6.

C. 2C:28-6 Tampering With or Fabricating Physical Evidence.

2C:28–6. Tampering With or Fabricating Physical Evidence. A person commits a crime of the fourth degree if, believing that an official proceeding or investigation is pending or about to be instituted, he:

(1) Alters, destroys, conceals or removes any article, object, record, document or other thing of physical substance with purpose to impair its verity or availability in such proceeding or investigation; or

(2) Makes, devises, prepares, presents, offers or uses any article, object, record, document or other thing of physical substance knowing it to be false and with purpose to mislead a public servant who is engaged in such proceeding or investigation.

Source: Model Penal Code: 241.7.

C. 2C:28-7 Tampering With Public Records or Information.

2C:28–7. Tampering With Public Records or Information. a. Offense defined. A person commits an offense if he:

(1) Knowingly makes a false entry in, or false alteration of, any record, document or thing belonging to, or received or kept by, the government for information or record, or required by law to be kept by others for information of the government;

(2) Makes, presents, offers for filing, or uses any record, document or thing knowing it to be false, and with purpose that it be taken as a genuine part of information or records referred to in paragraph (1); or

(3) Purposely and unlawfully destroys, conceals, removes, mutilates, or otherwise impairs the verity or availability of any such record, document or thing.

b. Grading. An offense under this section is a disorderly persons offense unless the actor's purpose is to defraud or injure anyone, in which case the offense is a crime of the third degree.

Source: Model Penal Code: 241.8.

C. 2C:28-8 Impersonating a Public Servant.

2C:28–8. Impersonating a Public Servant. A person commits a disorderly persons offense if he falsely pretends to hold a position in the public service with purpose to induce another to submit to

such pretended official authority or otherwise to act in reliance upon that pretense.

Source: N. J. S. 2A:135–10; C. 2A:170–20.5 (1954, c. 181, s. 6); Model Penal Code: 241.9.

CHAPTER 29. OBSTRUCTING GOVERNMENTAL OPERATIONS; ESCAPES

Section

2C:29–1. Obstructing Administration of Law or Other Governmental Function.
2C:29–2. Resisting Arrest.
2C:29–3. Hindering Apprehension or Prosecution.
2C:29–4. Compounding.
2C:29–5. Escape.
2C:29–6. Implements for Escape; Other Contraband.
2C:29–7. Bail Jumping; Default in Required Appearance.
2C:29–8. Blank.

C. 2C:29-1 Obstructing Administration of Law or Other Governmental Function.

2C:29–1. Obstructing Administration of Law or Other Governmental Function. A person commits a disorderly persons offense if he purposely obstructs, impairs or perverts the administration of law or other governmental function or prevents or attempts to prevent a public servant from lawfully performing an official function by means of intimidation, force, violence, or physical interference or obstacle, or by means of any independently unlawful act. This section does not apply to flight by a person charged with crime, refusal to submit to arrest, failure to perform a legal duty other than an official duty, or any other means of avoiding compliance with law without affirmative interference with governmental functions.

Source: N. J. S. 2A:99–1; Model Penal Code: 242.1; 242.9.

C. 2C:29-2 Resisting Arrest.

2C:29–2. Resisting Arrest. A person is guilty of an offense if he purposely prevents a law enforcement officer from effecting a lawful arrest. The offense is a crime of the fourth degree if he:

a. Uses or threatens to use physical force or violence against the law enforcement officer or another; or

b. Uses any other means to create a substantial risk of causing physical injury to the public servant or another. Otherwise it is a disorderly persons offense.

It is not a defense to a prosecution under this section that the law enforcement officer was acting unlawfully in making the arrest, provided he was acting under color of his official authority and provided the law enforcement officer announces his intention to arrest prior to the resistance.

Source: Model Penal Code: 242.2.

C. 2C:29-3 Hindering Apprehension or Prosecution.

2C:29–3. Hindering Apprehension or Prosecution. A person commits an offense if, with purpose to hinder the apprehension, prosecution, conviction or punishment of another for an offense he:

a. Harbors or conceals the other;

b. Provides or aids in providing a weapon, money, transportation, disguise or other means of avoiding discovery or apprehension or affecting escape;

c. Suppresses, by way of concealment or destruction; any evidence of the crime, or tampers with a witness, informant, document or other source of information, regardless of its admissibility in evidence, which might aid in the discovery or apprehension of such person or in the lodging of a charge against him;

d. Warns the other of impending discovery or apprehension, except that this paragraph does not apply to a warning given in connection with an effort to bring another into compliance with law;

e. Prevents or obstructs, by means of force, intimidation or deception, any one from performing an act which might aid in the discovery or apprehension of such person or in the lodging of a charge against him;

f. Aids such person to protect or expeditiously profit from an advantage derived from such crime; or

g. Volunteers false information to a law enforcement officer.

The offense is a crime of the third degree if the conduct which the actor knows has been charged or is liable to be charged against the person aided would constitute a crime of the second degree or greater, unless the actor is a spouse, parent or child of the person aided, in which case the offense is a crime of the fourth degree. The offense is a crime of the fourth degree if such conduct would constitute a crime of the third degree. Otherwise it is a disorderly persons offense.

Source: N. J. S. 2A:85–2; Model Penal Code: 242.3; 242.4.

C. 2C:29-4 Compounding.

2C:29–4. Compounding. A person commits a crime if he accepts or agrees to accept any pecuniary benefit in consideration of re-

fraining from reporting to law enforcement authorities the commission or suspected commission of any offense or information relating to an offense or from seeking prosecution of an offense. A person commits a crime if he confers or agrees to confer any pecuniary benefit in consideration of the other person agreeing to refrain from any such reporting or seeking prosecution. It is an affirmative defense to prosecution under this section that the pecuniary benefit did not exceed an amount which the actor reasonably believed to be due as restitution or indemnification for harm caused by the offense. An offense proscribed by this section shall be a crime of the second degree. If the thing of value accepted, agreed to be accepted, conferred or agreed to be conferred is money in an amount of $200.00 or less, an offense proscribed by this section shall be a crime of the third degree.

Source: N. J. S. 2A:97–1; Model Penal Code: 242.5.

C. 2C:29-5 Escape.

2C:29–5. Escape. a. Escape. A person commits an offense if he without lawful authority removes himself from official detention or fails to return to official detention following temporary leave granted for a specific purpose or limited period. "Official detention" means arrest, detention in any facility for custody of persons under charge or conviction of crime or alleged or found to be delinquent, detention for extradition or deportation, or any other detention for law enforcement purposes; but "official detention" does not include supervision of probation or parole, or constraint incidental to release on bail.

b. Permitting or facilitating escape. A public servant concerned in detention commits an offense if he knowingly or recklessly permits an escape. Any person who knowingly causes or facilitates an escape commits an offense.

c. Effect of legal irregularity in detention. Irregularity in bringing about or maintaining detention, or lack of jurisdiction of the committing or detaining authority, shall not be a defense to prosecution under this section if the escape is from a prison or other custodial facility or from detention pursuant to commitment by official proceedings. In the case of other detentions, irregularity or lack of jurisdiction shall be a defense only if:

(1) The escape involved no substantial risk of harm to the person or property of anyone other than the detainee; or

(2) The detaining authority did not act in good faith under color of law.

d. Grading of offenses. An offense under this section is a crime of the third degree where:

(1) The actor was under arrest for or detained on a charge of crime or following conviction of an offense; or

(2) The actor employs force, threat, deadly weapon or other dangerous instrumentality to effect the escape; or

(3) A public servant concerned in detention of persons convicted of crime purposely facilitates or permits an escape from a detention facility.

Otherwise it is a crime of the fourth degree.

Source: N. J. S. 2A:104–1 to 2A:104–10; Model Penal Code: 242.6.

C. 2C:29-6 Implements for Escape; Other Contraband.

2C:29–6. Implements for Escape; Other Contraband. a. Escape implements. A person commits an offense if he knowingly and unlawfully introduces within a detention facility, or knowingly and unlawfully provides an inmate with any weapon, tool or other thing which may be useful for escape. An inmate commits an offense if he knowingly and unlawfully procures, makes, or otherwise provides himself with, or has in his possession, any such implement of escape. "Unlawfully" means surreptitiously or contrary to law, regulation or order of the detaining authority. The offense is a crime of the third degree if the item is a weapon. Otherwise it is a crime of the fourth degree.

b. Other contraband. A person commits a petty disorderly persons offense if he provides an inmate with any other thing which the actor knows or should know it is unlawful for the inmate to possess.

Source: N. J. S. 2A:104–8; 2A:104–11 and 2A:104–12; Model Penal Code: 242.7.

C. 2C:29-7 Bail Jumping; Default in Required Appearance.

2C:29–7. Bail Jumping; Default in Required Appearance. A person set at liberty by court order, with or without bail, upon condition that he will subsequently appear at a specified time and place in connection with any offense, commits an offense if, without lawful excuse, he fails to appear at that time and place. It is an affirmative defense for the defendant to prove, by a preponderance of evidence, that he did not knowingly fail to appear. The offense constitutes a crime of the third degree where the required appearance was to answer to a charge of a crime of the third degree or greater, or for disposition of any such charge and the actor took

flight or went into hiding to avoid apprehension, trial or punishment. The offense constitutes a crime of the fourth degree where the required appearance was otherwise to answer to a charge of crime or for disposition of such charge. The offense constitutes a disorderly persons offense or a petty disorderly persons offense, respectively, when the required appearance was to answer a charge of such an offense or for disposition of any such charge.

This section does not apply to obligations to appear incident to release under suspended sentence or on probation or parole. Nothing herein shall interfere with or prevent the exercise by any court of this State of its power to punish for contempt.

Source: C. 2A:104–13 and 2A:104–14 (1964, c. 265, ss. 1, 2); Model Penal Code: 242.8.

CHAPTER 30. MISCONDUCT IN OFFICE; ABUSE OF OFFICE

Section

2C:30–1. Official Oppression.
2C:30–2. Official Misconduct.
2C:30–3. Speculating or Wagering on Official Action or Information.

C. 2C:30-1 Official Oppression.

2C:30–1. Official Oppression. A person acting or purporting to act in an official capacity or taking advantage of such actual or purported capacity commits a crime of the third degree if, knowing that his conduct is illegal, he:

a. Subjects another to arrest, detention, search, seizure, mistreatment, dispossession, assessment, lien or other infringement of personal or property rights; or

b. Denies or impedes another in the exercise or enjoyment of any right, privilege, power or immunity.

Source: Model Penal Code: 243.1.

C. 2C:30-2 Official Misconduct.

2C:30–2. Official Misconduct. A public servant is guilty of official misconduct when, with corrupt purpose to obtain a benefit for himself or another or to injure or to deprive another of a benefit:

a. He commits an act relating to his office but constituting an unauthorized exercise of his official functions, knowing that such act is unauthorized or he is committing such act in an unauthorized manner; or

b. He knowingly refrains from performing a duty which is imposed upon him by law or is clearly inherent in the nature of his office.

Official misconduct is a crime of the second degree. If the thing of value obtained or sought to be obtained, or of which another is deprived or sought to be deprived, is money in an amount of $200.00 or less, the offense of official misconduct shall be a crime of the third degree.

Source: New.

C. 2C:30-3 Speculating or Wagering on Official Action or Information.

2C:30–3. Speculating or Wagering on Official Action or Information. A public servant commits a crime if, in contemplation of official action by himself or by a governmental unit with which he is or has been associated, or in reliance on information to which he has or has had access in an official capacity and which has not been made public, he:

a. Acquires a pecuniary interest in any property, transaction or enterprise which may be affected by such information or official; or

b. Speculates or wagers on the basis of such information or official action; or

c. Aids another to do any of the foregoing, while in office or after leaving office with a purpose of using such information.

An offense proscribed by this section shall be a crime of the second degree. If the thing of value acquired or sought to be acquired is money of a value of $200.00 or less, an offense proscribed by this section shall be a crime of the third degree.

Source: Model Penal Code: 243.2.

CHAPTER 31. [RESERVED]

CHAPTER 32. [RESERVED]

PART 5. OFFENSES AGAINST PUBLIC ORDER, HEALTH AND DECENCY

CHAPTER 33. RIOT, DISORDERLY CONDUCT, AND RELATED OFFENSES

Section

2C:33–1. Riot; Failure to Disperse.
2C:33–2. Disorderly Conduct.
2C:33–3. False Public Alarms.

Section
2C:33–4. Harassment.
2C:33–5. Blank.
2C:33–6. Blank.
2C:33–7. Obstructing Highways and Other Public Passages.
2C:33–8. Disrupting Meetings and Processions.
2C:33–9. Desecration of Venerated Objects.
2C:33–10. Blank.
2C:33–11. Blank.
2C:33–12. Maintaining a Nuisance.
2C:33–13. Smoking in Public.
2C:33–14. Interference with Transportation.

C. 2C:33-1 Riot; Failure to Disperse.

2C:33–1. Riot; Failure to Disperse. a. Riot. A person is guilty of riot, a crime of the fourth degree, if he participates with four or more others in a course of disorderly conduct as defined in section 2C:33–2a.

(1) With purpose to commit or facilitate the commission of a crime;

(2) With purpose to prevent or coerce official action; or

(3) When he or any other participant, known to him, uses or plans to use a firearm or other deadly weapon.

b. Failure of disorderly persons to disperse upon official order. Where four or more persons are participating in a course of disorderly conduct as defined in section 2C:33–2a. likely to cause substantial harm, a peace officer or other public servant engaged in executing or enforcing the law may order the participants and others in the immediate vicinity to disperse. A person who refuses or knowingly fails to obey such an order commits a disorderly persons offense.

Source: N. J. S. 2A:126–1 to 2A:126–5; 2A:126–7; Model Penal Code: 250.1.

C. 2C:33-2 Disorderly Conduct.

2C:33–2. Disorderly Conduct. a. Improper behavior. A person is guilty of a petty disorderly persons offense, if with purpose to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof he

(1) Engages in fighting or threatening, or in violent or tumultuous behavior; or

(2) Creates a hazardous or physically dangerous condition by any act which serves no legitimate purpose of the actor.

b. Offensive language. A person is guilty of a petty disorderly persons offense if, in a public place, and with purpose to offend the sensibilities of a hearer or in reckless disregard of the probability of so doing, he addresses unreasonably loud and offensively coarse or abusive language, given the circumstances of the person present and the setting of the utterance, to any person present.

"Public" means affecting or likely to affect persons in a place to which the public or a substantial group has access; among the places included are highways, transport facilities, schools, prisons, apartment houses, places of business or amusement, or any neighborhood.

Source: N. J. S. 2A:170–26 to 2A:170–28; 2A:170–29 amended 1965, c. 172; 2A:170–30; Model Penal Code: 250.2.

C. 2C:33-3 False Public Alarms.

2C:33–3. False Public Alarms. A person is guilty of a crime of the fourth degree if he initiates or circulates a report or warning of an impending fire, explosion, bombing, crime, catastrophe or emergency knowing that the report or warning is false or baseless and that it is likely to cause evacuation of a building, place of assembly, or facility of public transport, or to cause public inconveniences or alarm. A person is guilty of a crime of the fourth degree if he knowingly causes such false alarm to be transmitted to or within any organization, official or volunteer, for dealing with emergencies involving danger to life or property.

Source: C. 2A:122–11 (1960, c. 69); N. J. S. 2A:132–1; 2A:170–9 amended 1971, c. 87, s. 1; Model Penal Code: 241.4; 250.3.

C. 2C:33-4 Harassment.

2C:33–4. Harassment. A person commits a petty disorderly persons offense if, with purpose to harass another, he:

a. Makes, or causes to be made, a communication or communications anonymously or at extremely inconvenient hours, or in offensively coarse language, or any other manner likely to cause annoyance or alarm;

b. Subjects another to striking, kicking, shoving, or other offensive touching, or threatens to do so; or

c. Engages in any other course of alarming conduct or of repeatedly committed acts with purpose to alarm or seriously annoy such other person.

Source: N. J. S. 2A:170–26; 2A:170–29 amended 1965, c. 172; Model Penal Code: 250.4.

C. 2C:33-5 Blank.

2C:33-5. Blank.

C. 2C:33-6 Blank.

2C:33-6. Blank.

C. 2C:33-7 Obstructing Highways and Other Public Passages.

2C:33-7. Obstructing Highways and Other Public Passages. a. A person, who, having no legal privilege to do so, purposely or recklessly obstructs any highway or other public passage whether alone or with others, commits a petty disorderly persons offense. "Obstructs" means renders impassable without unreasonable inconvenience or hazard. No person shall be deemed guilty of recklessly obstructing in violation of this subsection solely because of a gathering of persons to hear him speak or otherwise communicate, or solely because of being a member of such a gathering.

b. A person in a gathering commits a petty disorderly persons offense if he refuses to obey a reasonable official request or order to move:

(1) To prevent obstruction of a highway or other public passage; or

(2) To maintain public safety by dispersing those gathered in dangerous proximity to a fire or other hazard.

An order to move, addressed to a person whose speech or other lawful behavior attracts an obstructing audience, shall not be deemed reasonable if the obstruction can be readily remedied by police control of the size or location of the gathering.

Source: Model Penal Code: 250.7.

C. 2C:33-8 Disrupting Meetings and Processions.

2C:33-8. Disrupting Meetings and Processions. A person commits a disorderly persons offense if, with purpose to prevent or disrupt a lawful meeting, procession or gathering, he does an act tending to obstruct or interfere with it physically.

Source: N. J. S. 2A:170-28.

C. 2C:33-9 Desecration of Venerated Objects.

2C:33-9. Desecration of Venerated Objects. A person commits a disorderly persons offense if he purposely desecrates any public monument, insignia, symbol, or structure, or place of worship or burial. "Desecrate" means defacing, damaging or polluting.

Source: N. J. S. 2A:95-1; 2A:95-2 amended 1954, c. 219, s. 1; C. 2A:95-3 (1954, c. 219, s. 2 amended 1973, c. 219, s. 37); C. 2A:122-10 (1960, c. 5); C. 2A:122-12 (1967, c. 72); Model Penal Code: 250.9.

C. 2C:33-10 Blank.

2C:33–10. Blank.

C. 2C:33-11 Blank.

2C:33–11. Blank.

C. 2C:33-12 Maintaining a Nuisance.

2C:33–12. Maintaining a Nuisance. A person is guilty of a disorderly persons offense when:

a. By conduct either unlawful in itself or unreasonable under all the circumstances, he knowingly or recklessly creates or maintains a condition which endangers the safety or health of a considerable number of persons; or

b. He knowingly conducts or maintains any premises, place or resort where persons gather for purposes of engaging in unlawful conduct.

Upon conviction under subsection b. of this section in addition to the sentence authorized by this code, the court may proceed as set forth in section 2C:56–1.

Source: N. J. S. 2A:130–3.

C. 2C:33-13 Smoking in Public.

2C:33–13. Smoking in Public. a. Any person who smokes or carries lighted tobacco in or upon any bus or other public conveyance, other than in the places provided, is a petty disorderly person.

b. Any person who smokes or carries lighted tobacco in any public place, including but not limited to places of public accommodation, where such smoking is prohibited by the owner or other lawful authority, and when adequate notice of such prohibition has been conspicuously posted, is guilty of a petty disorderly persons offense. Notwithstanding the provisions of 2C:43–3, the maximum fine which can be imposed for violation of this section is $200.00.

Source: N. J. S. 2A:170–65 amended 1972, c. 85.

C. 2C:33-14 Interference with Transportation.

2C:33–14. Interference with Transportation. Any person who casts, shoots or throws anything at, against or into any vehicle, railroad car, airplane, or other facility of transportation, or places any stick, stone or other substance upon any street railway track, trolley track or railroad track, or who unlawfully climbs into or upon any railroad car, either in motion or standing on the track of any railroad company in this State, is guilty of a disorderly persons offense.

Source: N. J. S. 2A:170–60 amended 1966, c. 231.

Chapter 34. Public Indecency

Section

2C:34–1. Prostitution and Related Offenses.
2C:34–2. Obscenity for Persons 18 Years of Age or Older.
2C:34–3. Obscenity for Persons Under 18.
2C:34–4. Public Communication of Obscenity.
2C:34–5. Diseased Person Having Sexual Intercourse.

C. 2C:34-1 Prostitution and Related Offenses.

2C:34–1. Prostitution and Related Offenses. a. Prostitution. A person is guilty of prostitution, a petty disorderly persons offense, if he or she:

(1) Is an inmate of a house of prostitution or otherwise engages in sexual activity as a business; or

(2) Solicits another person in or within view of any public place for the purpose of being hired to engage in sexual activity. "Sexual activity" includes homosexual and other deviate sexual relations. A "house of prostitution" is any place where prostitution or promotion of prostitution is regularly carried on by one person under the control, management or supervision of another. An "inmate" is a person who engages in prostitution in or through the agency of a house of prostitution. "Public place" means any place to which the public or any substantial group thereof has access.

b. Promoting prostitution. A person who knowingly promotes prostitution of another commits an offense. The following acts shall, without limitation of the foregoing, constitute promoting prostitution:

(1) Owning, controlling, managing, supervising or otherwise keeping, alone or in association with others, a house of prostitution or a prostitution business;

(2) Procuring an inmate for a house of prostitution or a place in a house of prostitution for one who would be an inmate;

(3) Encouraging, inducing, or otherwise purposely causing another to become or remain a prostitute;

(4) Soliciting a person to patronize a prostitute;

(5) Procuring a prostitute for a patron;

(6) Transporting a person into or within this State with purpose to promote that person's engaging in prostitution, or procuring or paying for transportation with that purpose;

(7) Leasing or otherwise permitting a place controlled by the actor, alone or in association with others, to be regularly used for prostitution or the promotion of prostitution, or failure to make reasonable effort to abate such use by ejecting the tenant, notifying law enforcement authorities, or other legally available means; or

(8) Soliciting, receiving, or agreeing to receive any benefit for doing or agreeing to do anything forbidden by this subsection.

c. Grading of offenses under subsection b. An offense under subsection b. constitutes a crime of the third degree if:

(1) The offense falls within paragraph (1), (2) or (3) of that subsection;

(2) The actor compels another to engage in or promote prostitution;

(3) The actor promotes prostitution of a child under 16, whether or not he is aware of the child's age; or

(4) The actor promotes prostitution of the actor's spouse, child, ward or any person for whose care he is responsible.

Otherwise, the offense is a crime of the fourth degree.

d. Presumption from living off prostitutes. A person, other than the prostitute or the prostitute's minor child or other legal dependent incapable of self-support, who is supported in whole or substantial part by the proceeds of prostitution is presumed to be knowingly promoting prostitution in violation of subsection b.

e. Patronizing prostitutes. A person commits a petty disorderly persons offense if he hires a prostitute to engage in sexual activity with him, or if he enters or remains in a house of prostitution for the purpose of engaging in sexual activity or if he solicits or requests another person to engage in sexual activity with him for hire.

Source: N. J. S. 2A:133–1 to 2A:133–12; 2A:170–5; Model Penal Code: 251.2.

C. 2C:34-2 Obscenity for Persons 18 Years of Age or Older.

2C:34–2. Obscenity for Persons 18 Years of Age or Older. a. Definitions for purpose of this section:

(1) "Obscene material" means any description, narrative account, display, or depiction of sexual activity or anatomical area contained in, or consisting of, a picture or other representation, publication, sound recording, live performance, or film, which by means of posing, composition, format or animated sensual details:

(a) Depicts or describes in a patently offensive way, ultimate sexual acts, normal or perverted, actual or simulated, masturbation, excretory functions, or lewd exhibition of the genitals,

(b) Lacks serious literary, artistic, political, or scientific value, when taken as a whole, and

(c) Is a part of a work, which to the average person applying contemporary community standards, has a dominant theme taken as a whole, which appeals to the prurient interest.

b. A person who sells obscene material to a person 18 years of age or older is a disorderly person and any person charged pursuant to this section shall have the right to a trial by jury.

Nothing contained herein shall be construed to prohibit a municipality from adopting as a part of its zoning ordinances an ordinance permitting the sale of obscene material, in which event such sale shall be deemed legal.

Source: N. J. S. 2A:115–2 amended 1957, c. 175; 1959, c. 97; C. 2A:115–1.7 (1971, c. 446, s. 2); C. 2A:115–2.2 (1971, c. 447, s. 2); C. 2A:115–2.5 (1971, c. 448, s. 1).

C. 2C:34-3 Obscenity For Persons Under 18.

2C:34–3. Obscenity For Persons Under 18. a. Definitions for purposes of this section:

(1) "Obscene material" means any description, narrative account, display, depiction of a specified anatomical area or specified sexual activity contained in, or consisting of, a picture or other representation, publication, sound recording, live performance or film, which by means of posing, composition, format or animated sensual details, emits sensuality with sufficient impact to concentrate prurient interest on the area or activity.

(2) "Obscene film" means any motion picture film or preview or trailer to a film, not including newsreels portraying actual current events or pictorial news of the day, in which a scene, taken by itself:

(a) Depicts a specified anatomical area or specified sexual activity, or the simulation of a specified sexual activity, or verbalization concerning a specified sexual activity; and

(b) Emits sensuality sufficient, in terms of the duration and impact of the depiction, to appeal to prurient interest.

(3) "Specified anatomical area" means:

(a) Less than completely and opaquely covered human genitals, pubic region, buttock or female breasts below a point immediately above the top of the areola; or

(b) Human male genitals in a discernibly turgid state, even if covered.

(4) "Specified sexual activity" means:

(a) Human genitals in a state of sexual stimulation or arousal; or

(b) Any act of human masturbation, sexual intercourse or deviate sexual intercourse; or

(c) Fondling or other erotic touching of covered or uncovered human genitals, pubic region, buttock or female breast.

(5) "Knowingly" means:

(a) Having knowledge of the character and content of the material or film described herein; or

(b) Having failed to exercise reasonable inspection which would disclose its character and content.

b. Sale of obscene material.

A person who knowingly sells to a person under 18 years of age obscene material is guilty of a crime of the fourth degree.

c. Admitting to exhibition of obscene film.

Any person who knowingly admits a person under 18 years of age to a theatre then exhibiting an obscene film is guilty of a crime of the fourth degree.

d. Presumption of knowledge and age.

The requisite knowledge with regard to the character and content of the film or material and of the age of the person is presumed in the case of an actor who sells obscene material to a person under 18 years of age or admits to a film obscene for a person under 18 years of age a person who is under 18 years of age.

e. Defenses.

(1) It is an affirmative defense to a prosecution under subsections b. and c. which the defendant must prove by a preponderance of evidence that:

(a) The person under age 18 falsely represented in or by writing that he was age 18 or over;

(b) The person's appearance was such that an individual of ordinary prudence would believe him to be age 18 or over; and

(c) The sale to or admission of the person was made in good faith relying upon such written representation and appearance and in the reasonable belief that he was actually age 18 or over.

(2) It is an affirmative defense to a prosecution under subsection c. that the defendant is an employee in a motion picture theatre who

has no financial interest in that motion picture theatre other than his wages and has no decision-making authority or responsibility with respect to the selection of the motion picture show which is exhibited.

Source: C. 2A:115–1.6 to 2A:115–1.11 (1971, c. 446, ss. 1-6); C. 2A:115–2.5 to 2A:115–2.9 (1971, c. 448, ss. 1-5).

C. 2C:34-4 Public Communication of Obscenity.

2C:34–4. Public Communication of Obscenity. a. "Publicly communicate" means to display, post, exhibit, give away or vocalize material in such a way that its character and content may be readily and distinctly perceived by the public by normal unaided vision or hearing when viewing or hearing it in, on or from a public street, road, thoroughfare, recreation or shopping center or area, public transportation facility or vehicle used for public transportation.

b. A person who knowingly publicly communicates obscene material, as defined in section 2C:34–3 or causes or permits it to be publicly communicated on property he owns or leases or operates is guilty of a crime of the fourth degree.

c. Public communication of obscene material shall constitute presumptive evidence that the defendant made the communication or caused or permitted it to be made knowingly.

Source: C. 2A:115–2.1 to 2A:115–2.4 (1971, c. 447, ss. 1-4).

C. 2C:34-5 Diseased Person Having Sexual Intercourse.

2C:34–5. Diseased Person Having Sexual Intercourse. Any person who, knowing that he or she is infected with a venereal disease such as chancroid, gonorrhea, syphilis, herpes virus, or any of the varieties or stages of such diseases, has sexual intercourse or deviate sexual intercourse, is a petty disorderly person.

Source: N. J. S. 2A:170–6.

Chapter 35. [Reserved]

Chapter 36. [Reserved]

Chapter 37. Gambling Offenses

Section

2C:37–1. Definitions.
2C:37–2. Promoting Gambling.
2C:37–3. Possession of Gambling Records.
2C:37–4. Maintenance of a Gambling Resort.
2C:37–5. Gambling Offenses; Presumption.

Section
2C:37-6. Lottery Offenses; No Defense.
2C:37-7. Possession of a Gambling Device.
2C:37-8. Gambling Offenses; Jurisdiction.
2C:37-9. Nonapplicability.

C. 2C:37-1 Definitions.

2C:37-1. Definitions. The following definitions apply to this chapter and to chapter 64:

a. "Contest of chance" means any contest, game, pool, gaming scheme or gaming device in which the outcome depends in a material degree upon an element of chance, notwithstanding that skill of the contestants or some other persons may also be a factor therein.

b. "Gambling" means staking or risking something of value upon the outcome of a contest of chance or a future contingent event not under the actor's control or influence, upon an agreement or understanding that he will receive something of value in the event of a certain outcome.

c. "Player" means a person who engages in any form of gambling solely as a contestant or bettor, without receiving or becoming entitled to receive any profit therefrom other than personal gambling winnings, and without otherwise rendering any material assistance to the establishment, conduct or operation of the particular gambling activity. A person who gambles at a social game of chance on equal terms with the other participants therein does not thereby render material assistance to the establishment, conduct or operation of such game if he performs, without fee or remuneration, acts directed toward the arrangement or facilitation of the game, such as inviting persons to play, permitting the use of premises therefor or supplying cards or other equipment used therein. A person who engages in "bookmaking," as defined in this section is not a "player."

d. "Something of value" means any money or property, any token, object or article exchangeable for money or property, or any form of credit or promise directly or indirectly contemplating transfer of money or property or of any interest therein, or involving extension of a service, entertainment or a privilege of playing at a game or scheme without charge.

e. "Gambling device" means any device, machine, paraphernalia or equipment which is used or usable in the playing phases of any gambling activity, whether such activity consists of gambling

between persons or gambling by a person involving the playing of a machine. Notwithstanding the foregoing, lottery tickets, policy slips and other items used in the playing phases of lottery and policy schemes are not gambling devices.

f. "Slot machine" means a gambling device which, as a result of the insertion of a coin or other object, operates, either completely automatically or with the aid of some physical act by the player, in such manner that, depending upon elements of chance, it may eject something of value. A device so constructed, or readily adaptable or convertible to such use, is no less a slot machine because it is not in working order or because some mechanical act of manipulation or repair is required to accomplish its adaptation, conversion or workability. Nor is it any less a slot machine because, apart from its use or adaptability as such, it may also sell or deliver something of value on a basis other than chance. A machine which sells items of merchandise which are of equivalent value, is not a slot machine merely because such items differ from each other in composition, size, shape or color.

g. "Bookmaking" means advancing gambling activity by unlawfully accepting bets from members of the public upon the outcome of future contingent events as a business.

h. "Lottery" means an unlawful gambling scheme in which (a) the players pay or agree to pay something of value for chances, represented and differentiated by numbers or by combinations of numbers or by some other media, one or more of which chances are to be designated the winning ones; and (b) the winning chances are to be determined by a drawing or by some other method based upon the element of chance; and (c) the holders of the willing chances are to receive something of value.

i. "Policy" or "the numbers game" means a form of lottery in which the winning chances or plays are not determined upon the basis of a drawing or other act on the part of persons conducting or connected with the scheme, but upon the basis of the outcome or outcomes of a future contingent event or events otherwise unrelated to the particular scheme.

j. "Gambling resort" means a place to which persons may resort for engaging in gambling activity.

k. "Unlawful" means not specifically authorized by law.

Source: N. J. S. 2A:112–1 to 2A:112–3; C. 2A:121–6 (1961, c. 39, s. 1 amended 1964, c. 65).

C. 2C:37-2 Promoting Gambling.

2C:37-2. Promoting Gambling. a. Promoting Gambling Defined. A person is guilty of promoting gambling when he knowingly:

(1) Accepts or receives money or other property, pursuant to an agreement or understanding with any person whereby he participates or will participate in the proceeds of gambling activity; or

(2) Engages in conduct, which materially aids any form of gambling activity. Such conduct includes but is not limited to conduct directed toward the creation or establishment of the particular game, contest, scheme, device or activity involved, toward the acquisition or maintenance of premises, paraphernalia, equipment or apparatus therefor, toward the solicitation or inducement of persons to participate therein, toward the actual conduct of the playing phases thereof, toward the arrangement of any of its financial or recording phases, or toward any other phase of its operation.

b. Grading. A person who violates the provisions of subsection a. by:

(1) Engaging in bookmaking to the extent he receives or accepts in any 1 day more than five bets totaling more than $1,000.00; or

(2) Receiving, in connection with a lottery or policy scheme or enterprise (a) money or written records from a person other than a player whose chances or plays are represented by such money or records, or (b) more than $100.00 in any 1 day of money played in such scheme or enterprise, is guilty of a crime of the third degree and in lieu of the fine provided in 2C:43-3, shall be subject to a fine of not more than $25,000.00.

A person who violates the provisions of subsection a. by engaging in bookmaking to the extent he receives or accepts three or more bets in any 2-week period is guilty of a crime of the fourth degree and in lieu of the fine provided in 2C:43-3, shall be subject to a fine of not more than $15,000.00. Otherwise, promoting gambling is a disorderly persons offense and in lieu of a fine provided in 2C:43-3, shall be subject to a fine of not more than $10,000.00.

c. It is a defense to a prosecution under subsection a. that the person participated only as a player. It shall be the burden of the defendant to prove by clear and convincing evidence his status as such player.

Source: N. J. S. 2A:112-3, 2A:121-1 and 2A:121-2; 2A:121-3 amended 1967, c. 88, s. 1; 2A:121-4.

C. 2C:37-3 Possession of Gambling Records.

2C:37–3. Possession of Gambling Records. a. A person is guilty of possession of gambling records when, with knowledge of the contents thereof, he possesses any writing, paper, instrument or article:

(1) Of a kind commonly used in the operation or promotion of a bookmaking scheme or enterprise, including any paper or paper product in sheet form chemically converted to nitrocellulose having explosive characteristics as well as any water soluble paper or paper derivative in sheet form; or

(2) Of a kind commonly used in the operation, promotion or playing of a lottery or policy scheme or enterprise.

b. Defenses.

(1) It is a defense to a prosecution under subsection a. (2) that the writing, paper, instrument or article possessed by the defendant constituted, reflected or represented plays, bets or chances of the defendant himself in a number not exceeding 10.

(2) It is a defense to a prosecution under subsection a. that the writing, paper, instrument or article possessed by the defendant was neither used nor intended to be used in the operation or promotion of a bookmaking scheme or enterprise, or in the operation, promotion or playing of a lottery or policy scheme or enterprise.

c. Grading. Possession of gambling records is a crime of the third degree and in lieu of the fine provided in 2C:43–3, shall be subject to a fine of not more than $25,000.00 when the writing, paper, instrument or article:

(1) In a bookmaking scheme or enterprise, constitute, reflect or represent more than five bets totaling more than $1,000.00; or

(2) In the case of a lottery or policy scheme or enterprise, constitute, reflect or represent more than one hundred plays or chances therein.

Otherwise, possession of gambling records is a disorderly persons offense and in lieu of the fine provided in 2C:43–3, such a person shall be subject to a fine of not more than $10,000.00.

Source: N. J. S. 2A:121–3 amended 1967, c. 88, s. 1; 2A:170–18 amended 1967, c. 88, s. 2.

C. 2C:37-4 Maintenance of a Gambling Resort.

2C:37–4. Maintenance of a Gambling Resort. a. A person is guilty of a crime of the fourth degree if, having substantial proprietary or other authoritative control over premises which are

being used with his knowledge for purposes of activities prohibited by 2C:37–2 and 2C:37–3, he permits such to occur or continue or makes no effort to prevent its occurrence or continuation and he accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he participates or will participate in the proceeds of such gambling activity on such premises and, in lieu of the fine provided in 2C:43–3, shall be subject to a fine of not more than $15,000.00.

b. A person is guilty of a crime of the fourth degree if, having substantial proprietary or other authoritative control over premises open to the general public which are being used with his knowledge for purposes of gambling activity, he permits such to occur or continue or makes no effort to prevent its occurrence or continuation and in lieu of the fine provided in 2C:43–3, shall be subject to a fine of not more than $15,000.00.

Source: N. J. S. 2A:112–3; 2A:121–3 amended 1967, c. 88, s. 1.

C. 2C:37-5 Gambling Offenses; Presumption.

2C:37–5. Gambling Offenses; Presumption. In any prosecution under this article in which it is necessary to prove the occurrence of a sporting event, a published report of its occurrence in any daily newspaper, magazine or other periodically printed publication of general circulation shall be admissible in evidence and shall constitute presumptive proof of the occurrence of such event.

Source: New.

C. 2C:37-6 Lottery Offenses; No Defense.

2C:37–6. Lottery Offenses; No Defense. Any offense defined in this article which consists of the commission of acts relating to a lottery is no less criminal because the lottery itself is drawn or conducted without the State. This section shall not apply to any person who has in his possession or custody any paper, document, slip or memorandum of a lottery which is authorized, sponsored and operated by any state of the United States, provided that the paper, document, slip or memorandum was purchased by the holder thereof in the State wherein such lottery was authorized, sponsored and operated.

Source: New.

C. 2C:37-7 Possession of a Gambling Device.

2C:37–7. Possession of a Gambling Device. A person except a player is guilty of possession of a gambling device when, with knowledge of the character thereof, he manufactures, sells, trans-

ports, places or possesses, or conducts or negotiates any transaction affecting or designed to affect ownership, custody or use of:

a. A slot machine; or

b. Any other gambling device, believing that the same is to be used in the advancement of unlawful gambling activity.

Possession of a gambling device is a disorderly persons offense, provided, however, that possession of not more than one slot machine or other gambling device for social use within the home shall not be an offense under this section.

Source: N. J. S. 2A:112-2.

C. 2C:37-8 Gambling Offenses; Jurisdiction.

2C:37-8. Gambling Offenses; Jurisdiction. All offenses under this chapter shall be prosecuted in the County Court.

Source: New.

C. 2C:37-9 Nonapplicability.

2C:37-9. Nonapplicability. Nothing in this chapter shall be deemed applicable to any activities permitted pursuant to P. L. 1977, c. 110 (C. 5:12-1 et seq.), "The Casino Control Act."

Source: New.

CHAPTER 38. [RESERVED]

CHAPTER 39. FIREARMS, OTHER DANGEROUS WEAPONS AND INSTRUMENTS OF CRIME

Section

2C:39-1. Definitions.
2C:39-2. Presumptions.
2C:39-3. Prohibited Weapons and Devices.
2C:39-4. Possession of Weapons for Unlawful Purposes.
2C:39-5. Unlawful Possession of Weapons.
2C:39-6. Exemptions.
2C:39-7. Blank.
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2C:39-9. Manufacture, Transport, Disposition and Defacement of Weapons and Dangerous Instruments and Appliances.
2C:39-10. Violation of the Regulatory Provision Relating to Firearms; False Representation in Applications.
2C:39-11. Pawnbrokers; Loaning on Firearms.
2C:39-12. Voluntary Surrender.

C. 2C:39-1 Definitions.

2C:39–1. Definitions. The following definitions apply to this chapter and to chapter 58:

a. "Antique firearm" means any firearm which is incapable of being fired or discharged, or which does not fire fixed ammunition, or which was manufactured before 1898 for which cartridge ammunition is not commercially available, and is possessed as a curiosity or ornament or for its historical significance or value.

b. "Deface" means to remove, deface, cover, alter or destroy the name of the maker, model designation, manufacturer's serial number or any other distinguishing identification mark or number on any firearm.

c. "Destructive device" means any device, instrument or object designed to explode or produce uncontrolled combustion, including (1) any explosive or incendiary bomb, mine or grenade; (2) any rocket having a propellant charge of more than four ounces or any missile having an explosive or incendiary charge of more than one quarter of an ounce; (3) any weapon capable of firing a projectile of a caliber greater than .60 caliber, except a shotgun or shotgun ammunition generally recognized as suitable for sporting purposes; (4) any Molotov cocktail or other device consisting of a breakable container containing flammable liquid and having a wick or similar device capable of being ignited. The term does not include any device manufactured for the purpose of illumination, distress signaling, line-throwing, safety or similar purposes.

d. "Dispose of" means to give, give away, lease, loan, keep for sale, offer, offer for sale, sell, transfer, or otherwise transfer possession.

e. "Explosive" means any chemical compound or mixture that is commonly used or is possessed for the purpose of producing an explosion and which contains any oxidizing and combustible materials or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion or by detonation or any part of the compound or mixture may cause such a sudden generalization of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects. The term shall not include small arms ammunition, or explosives in the form prescribed by the official United States Pharmacopœia.

f. "Firearm" means any hand gun, rifle, shotgun, machine gun, automatic or semi-automatic rifle, or any gun, device or instrument

in the nature of a weapon from which may be fired or ejected any solid projectible ball, slug, pellet, missile or bullet, or any gas, vapor or other noxious thing, by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances. It shall also include, without limitation, any firearm which is in the nature of an air gun, spring gun or pistol or other weapon of a similar nature in which the propelling force is a spring, elastic band, carbon dioxide, compressed or other gas or vapor, air or compressed air, or is ignited by compressed air, and ejecting a bullet or missile smaller than three-eighths of an inch in diameter, with sufficient force to injure a person.

g. "Firearm silencer" means any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol or other firearm to be silent, or intended to lessen or muffle the noise of the firing of any gun, revolver, pistol or other firearm.

h. "Gravity knife" means any knife which has a blade which is released from the handle or sheath thereof by the force of gravity or the application of centrifugal force.

i. "Machine gun" means any firearm, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir, belt or other means of storing and carrying ammunition which can be loaded into the firearm, mechanism or instrument and fired therefrom.

j. "Manufacturer" means any person who receives or obtains raw materials or parts and processes them into firearms or finished parts of firearms, except a person who exclusively processes grips, stocks and other nonmetal parts of firearms. The term does not include a person who repairs existing firearms or receives new and used raw materials or parts solely for the repair of existing firearms.

k. "Hand gun" means any pistol, revolver or other firearm originally designed or manufactured to be fired by the use of a single hand.

l. "Retail dealer" means any person including a gunsmith, except a manufacturer or a wholesale dealer, who sells, transfers or assigns for a fee or profit any firearm or parts of firearms or ammunition which he has purchased or obtained with the intention, or for the purpose, of reselling or reassigning to persons who are reasonably understood to be the ultimate consumer, and includes any person who is engaged in the business of repairing firearms or who sells any firearm to satisfy a debt secured by the pledge of a firearm.

m. "Rifle" means any firearm designed to be fired from the shoulder and using the energy of the explosive in a fixed metallic cartridge to fire a single projectile through a rifled bore for each single pull of the trigger.

n. "Shotgun" means any firearm designed to be fired from the shoulder and using the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each pull of the trigger, or any firearm designed to be fired from the shoulder which does not fire fixed ammunition.

o. "Sawed-off shotgun" means any shotgun having a barrel or barrels of less than 18 inches in length measured from the breach to the muzzle, or a rifle having a barrel or barrels of less than 16 inches in length measured from the breach to the muzzle, or any firearm made from a rifle or a shotgun, whether by alteration, or otherwise, if such firearm as modified has an overall length of less than 26 inches.

p. "Switchblade knife" means any knife or similar device which has a blade which opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife.

q. "Superintendent" means the Superintendent of the State Police.

r. "Weapon" means anything readily capable of lethal use or of inflicting serious bodily injury. The term includes, but is not limited to, all (1) firearms, even though not loaded or lacking a clip or other component to render them immediately operable; (2) components which can be readily assembled into a weapon; and (3) gravity knives, switchblade knives, daggers, dirks, stilettos, or other dangerous knives, billies, blackjacks, bludgeons, metal knuckles, sandclubs, slingshots, cestus or similar leather bands studded with metal filings or razor blades imbedded in wood; and any weapon or other device which projects, releases, or emits tear gas or any other substance intended to produce temporary physical discomfort or permanent injury through being vaporized or otherwise dispensed in the air.

s. "Wholesale dealer" means any person, except a manufacturer, who sells, transfers, or assigns firearms, or parts of firearms, to persons who are reasonably understood not to be the ultimate consumer, and includes persons who receive finished parts of firearms and assemble them into completed or partially completed firearms, in furtherance of such purpose, except that it shall not

include those persons dealing exclusively in grips, stocks and other nonmetal parts of firearms.

Source: N. J. S. 2A:151–1 amended 1966, c. 60, s. 1; N. J. S. 2A:151–14; 2A:151–15 amended 1966, c. 60, s. 13; 2A:151–18 amended 1966, c. 60, s. 15; 2A:151–49 amended 1966, c. 60, s. 40; 2A:151–59 amended 1968, c. 100; C. 2A:151–62 (1952, c. 5 amended 1959, c. 29).

C. 2C:39-2 Presumptions.

2C:39–2. Presumptions. a. Possession of firearms, weapons, destructive devices, silencers, and explosives in an automobile. When a firearm, weapon, destructive device, silencer, and explosive described in this chapter is found in an automobile, it is presumed to be in the possession of the occupant if there is but one. If there is more than one occupant in the automobile, it shall be presumed to be in the possession of all, except under the following circumstances:

(1) When it is found upon the person of one of the occupants, it shall be presumed to be in the possession of that occupant alone;

(2) When the automobile is not a stolen one and the weapon or other instrument is found out of view in a glove compartment, trunk or other enclosed customary depository, it shall be presumed to be in the possession of the occupant or occupants who own or have authority to operate the vehicle; and

(3) When the vehicle is a taxicab, a weapon or other instrument found in the passengers' portion of the vehicle, it shall be presumed to be in the possession of all the passengers, if there are any, and if not, in the possession of the driver.

b. Licenses and permits. When the legality of a person's conduct under this chapter depends on his possession of a license or permit or on his having registered with or given notice to a particular person or agency, it shall be presumed that he does not possess such a license or permit or has not registered or given the required notice, until he establishes the contrary.

Source: N. J. S. 2A:151–7 amended 1966, c. 60, s. 6; Model Penal Code: 5.06.

C. 2C:39-3 Prohibited Weapons and Devices.

2C:39–3. Prohibited Weapons and Devices. a. Destructive devices. Any person who knowingly has in his possession any destructive device is guilty of a crime of the third degree.

b. Sawed-off shotguns. Any person who knowingly has in his possession any sawed-off shotgun is guilty of a crime of the third degree.

c. Silencers. Any person who knowingly has in his possession any firearm silencer is guilty of a crime of the fourth degree.

d. Defaced firearms. Any person who knowingly has in his possession any firearm except an antique firearm which has been defaced is guilty of a crime of the fourth degree.

e. Certain weapons. Any person who knowingly has in his possession any gravity knives, switchblade knives, daggers, dirks, stilettos, billies, blackjacks, metal knuckles, sandclubs, slingshots, cestus or similar leather bands studded with metal filings or razor blades imbedded in wood, without any explainable lawful purpose, is guilty of a crime of the fourth degree.

f. Dum-dum bullets. Any person, other than a law enforcement officer or persons engaged in activities pursuant to 2C:39–6f., who knowingly has in his possession any hollow nose or dum-dum bullet, is guilty of a crime of the fourth degree.

g. Exceptions. (1) Nothing in this section shall apply to any member of the Armed Forces of the United States or the National Guard, or except as otherwise provided by any law enforcement officer while actually on duty or traveling to or from an authorized place of duty, provided that his possession of the prohibited weapon or device has been duly authorized under the applicable laws, regulations or military or law enforcement orders, or to the possession of any weapon or device by a law enforcement officer who has confiscated, seized or otherwise taken possession of said weapon or device as evidence of the commission of a crime or because he believed it to be possessed illegally by the person from whom it was taken, provided that said law enforcement officer promptly notifies his superiors of his possession of such prohibited weapon or device.

(2) Nothing in subsection f. shall be construed to prevent a person from keeping such ammunition at his dwelling, premises or other land owned or possessed by him, or from carrying such ammunition from the place of purchase to said dwelling or land; nor shall subsection f. be construed to prevent any licensed retail or wholesale firearm dealer from possessing such ammunition at its licensed premises, provided that the possessor or purchaser has a valid firearms purchase identification card. Such card must be presented to the firearm dealer at the time the ammunition is purchased.

Source: N. J. S. 2A:151–14; 2A:151–41 amended 1960, c. 26; 1966, c. 60, s. 32; 1968, c. 307.

C. 2C:39-4 Possession of Weapons for Unlawful Purposes.

2C:39–4. Possession of Weapons for Unlawful Purposes. a. Firearms. Any person who has in his possession any firearm with a purpose to use it unlawfully against the person or property of another is guilty of a crime of the second degree.

b. Knives and other weapons. Any person who has in his possession any knife, razor or any other weapon except a firearm, with a purpose to use the same unlawfully against the person or property of another, is guilty of a crime of the third degree.

c. Explosives. Any person who, with a purpose to use the same unlawfully against the person or property of another, possesses or carries any explosive substance is guilty of a crime of the second degree.

d. Destructive devices. Any person who, with purpose to use the same unlawfully against the person or property of another, has in his possession any destructive device is guilty of a crime of the second degree.

Source: N. J. S. 2A:151–41 amended 1960, c. 26; 1966, c. 60, s. 32; 1968, c. 307; 2A:151–56 amended 1959, c. 148, s. 2.

C. 2C:39-5 Unlawful Possession of Weapons.

2C:39–5. Unlawful Possession of Weapons. a. Machine guns. Any person who knowingly has in his possession a machine gun or any instrument or device adaptable for use as a machine gun, without being licensed to do so as provided in section 2C:58–5, is guilty of a crime of the third degree.

b. Handguns. Any person who knowingly has in his possession any handgun, without first having obtained a permit to purchase a handgun as provided for in section 2C:58–3 and a permit to carry the same as provided in section 2C:58–4, is guilty of a crime of the third degree.

c. Rifles and shotguns. (1) Any person who knowingly has in his possession any rifle or shotgun (other than a sawed-off shotgun) without having first obtained a firearms purchaser identification card in accordance with the provisions of section 2C:58–3, is guilty of a crime of the third degree.

(2) Unless otherwise permitted by law, any person who knowingly has in his possession any loaded rifle or shotgun (other than a sawed-off shotgun) is guilty of a crime of the third degree.

d. Other weapons. Any person who knowingly has in his possession any weapon other than a machine gun, handgun, rifle or shotgun under circumstances not manifestly appropriate for such lawful uses as it may have is guilty of a crime of the fourth degree.

e. Firearms in educational institutions. Any person who knowingly has in his possession any firearm in or upon any part of the buildings or grounds of any school, college, university or other educational institution, without the written authorization of the governing officer of the institution, is guilty of a crime of the third degree, irrespective of whether he possesses a valid permit to carry the firearm or a valid firearms purchaser identification card.

Source: N. J. S. 2A:151–41 amended 1960, c. 26; 1966, c. 60, s. 32; 1968, c. 307; C. 2A:151–41.1 and 2A:151–41.2 (1969, c. 157); N. J. S. 2A:151–50.

C. 2C:39-6 Exemptions.

2C:39–6. Exemptions. a. Section 2C:39–5 does not apply to:

(1) Members of the Armed Forces of the United States of the National Guard while actually on duty, or while traveling between places of duty and carrying authorized weapons in the manner prescribed by the appropriate military authorities;

(2) Federal law enforcement officers, and any other Federal officers and employees required to carry firearms in the performance of their official duties;

(3) Members of the State Police, a motor vehicle inspector;

(4) A sheriff, undersheriff, sheriff's officer, county prosecutor, assistant prosecutor, prosecutor's detective or investigator, State investigator employed by the Division of Criminal Justice of the Department of Law and Public Safety, or State park ranger;

(5) A prison or jail warden or his deputies, a correction officer or keeper of any penal institution in this State, while in the performance of his duties, and when required to possess such a weapon by his superior officer;

(6) A civilian employee of the United States Government under the supervision of the commanding officer of any post, camp, station, base or other military or naval installation located in this State who is required, in the performance of his official duties, to carry firearms, and who is authorized to carry such firearms by said commanding officer, while in the actual performance of his official duties;

(7) A regularly employed member, including a detective, of the police department of any county or municipality, or of any State, interstate, municipal or boulevard police force, at all times while in the State of New Jersey, or a special policeman appointed by the governing body of any county or municipality or by the commission, board or other body having control of a county park or boulevard

police force, while engaged in the actual performance of his official duties and when specifically authorized by the governing body to carry weapons;

(8) County park police while engaged in the actual performance of their official duties.

b. Subsections a., b. and c. of section 2C:39–5 do not apply to:

(1) A law enforcement officer employed by a governmental agency outside of the State of New Jersey while actually engaged in his official duties, provided, however, that he has first notified the superintendent or the chief law enforcement officer of the municipality or the prosecutor of the county in which he is engaged; or

(2) A licensed retail dealer in firearms and his registered employees during the course of their normal business while traveling to and from their place of business and other places for the purpose of demonstration, exhibition or delivery in connection with a sale, provided, however, that any such weapon is carried in the manner specified in subsection g. of this section.

c. Subsections b. and c. of section 2C:39–5 do not apply to:

(1) A railway policeman, campus police officer appointed pursuant to P. L. 1970, c. 211 (C. 18A:6–4.2 et seq.), or any other police officer, while in the actual performance of his official duties;

(2) A conservation officer or a full-time employee of the Division of Shell Fisheries having the power of arrest and authorized to carry weapons, while in the actual performance of his official duties;

(3) A full-time member of the marine patrol force or a special marine patrolman authorized to carry such a weapon by the Commissioner of Environmental Protection, while in the actual performance of his official duties;

(4) The inspectors and investigators of the Division of Alcoholic Beverage Control in the Department of Law and Public Safety, while in the actual performance of his official duties;

(5) A court attendant serving as such under appointment by the sheriff of the county or by the judge or magistrate of any court of this State, while in the actual performance of his official duties;

(6) A guard in the employ of any railway express company, banking or building and loan or savings and loan institution of this State, while in the actual performance of his official duties;

(7) A member of a legally recognized military organization while actually under orders or while going to or from the prescribed place of meeting and carrying the weapons prescribed for drill, exercise or parade;

(8) An officer of the Society for the Prevention of Cruelty to Animals, while in the actual performance of his duties; or

(9) An employee of a public utilities corporation actually engaged in the transportation of explosives.

d. Subsections b., c. and d. of section 2C:39–5 do not apply to antique firearms, provided that such antique firearms are unloaded or are being fired for the purposes of exhibition or demonstration at an authorized target range or in such other manner as has been approved in writing by the chief law enforcement officer of the municipality in which the exhibition or demonstration is held.

e. Nothing in subsections b., c. and d. of section 2C:39–5 shall be construed to prevent a person keeping or carrying about his place of business, residence, premises or other land owned or possessed by him, any firearm, or from carrying the same, in the manner specified in subsection g. of this section, between his dwellings and his place of business or between his dwelling or place of business and place where such firearms are repaired, for the purpose of repair. For the purposes of this section, a place of business shall be deemed to be a fixed location.

f. Nothing in subsections b., c. and d. of section 2C:39–5 shall be construed to prevent:

(1) A member of any rifle or pistol club organized in accordance with the rules prescribed by the National Board for the Promotion of Rifle Practice, in going to or from a place of target practice, carrying such firearms as are necessary for said target practice, provided that the club has filed a copy of its charter with the superintendent and annually submits a list of its members to the superintendent, and provided further that the firearms are carried in the manner specified in subsection g. of this section;

(2) A person carrying a firearm or knife in the woods or fields or upon the waters of this State for the purpose of hunting, target practice or fishing, provided that the firearm or knife is legal and appropriate for hunting or fishing purposes in this State and he has in his possession a valid hunting or fishing license;

(3) A person transporting any firearm or knife while traveling:

(a) Directly to or from any place for the purpose of hunting or fishing, provided such person has in his possession a valid hunting or fishing license; or

(b) Directly to or from any target range or other authorized place for the purpose of practice, match, target, trap or skeet shooting exhibitions, provided in all cases that during the course of

such travel all firearms are carried in the manner specified in subsection g. of this section and the person has complied with all the provisions and requirements of Title 23 of the Revised Statutes and any amendments thereto and all rules and regulations promulgated thereunder;

(c) In the case of a firearm, directly to or from any exhibition or display of firearms which is sponsored by any law enforcement agency, any rifle or pistol club, or any firearms collectors club, for the purpose of displaying of the firearms to the public or to the members of such organization or club, provided, however, that not less than 30 days prior to such exhibition or display, notice of such exhibition or display shall be given to the Superintendent of the State Police by the sponsoring organization or club, and the sponsor has complied with such reasonable safety regulations or the superintendent may promulgate. Any firearms transported pursuant to this section must be transported in accordance with 2C:39–6.

g. All weapons being transported under subsections b. (2), e. or f. (1) or (3) of this section shall be carried unloaded and contained in a closed and fastened case, gunbox, securely tied package, or locked in the trunk of the automobile in which it is being transported, and the course of travel shall include only such deviations as are reasonably necessary under the circumstances.

Source: N. J. S. 2A:151–42 amended 1966, c. 60, s. 33; 2A:151–43 amended 1952, c. 308; 1953, c. 398; 1955, c. 265; 1956, c. 191, s. 2; 1960, c. 113; 1963, c. 174; 1966, c. 60, s. 34; 1968, c. 41, s. 2; 1970, c. 245; 1971, c. 427, s. 1.

C. 2C:39-7 Blank.

2C:39–7. Blank.

C. 2C:39-8 Blank.

2C:39–8. Blank.

C. 2C:39-9 Manufacture, Transport, Disposition and Defacement of Weapons and Dangerous Instruments and Appliances.

2C:39–9. Manufacture, Transport, Disposition and Defacement of Weapons and Dangerous Instruments and Appliances. a. Machine guns. Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of any machine gun without being registered or licensed to do so as provided in chapter 58 is guilty of a crime of the third degree.

b. Sawed-off shotguns. Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of any sawed-off shotgun is guilty of a crime of the third degree.

c. Firearm silencers. Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of any firearm silencer is guilty of a crime of the fourth degree.

d. Weapons. Any person who manufactures, causes to be manufactured, transports, ships, or disposes of any weapon including gravity knives, switchblade knives, daggers, dirks, stilettos, blackjacks, metal knuckles, sandclubs, slingshots, cestus or similar leather bands studded with metal filings, or in the case of firearms if he is not licensed or registered to do so as provided in chapter 58, is guilty of a crime of the fourth degree. Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of any billy or any weapon or other device which projects, releases or emits tear gas or any other substance intended to produce temporary physical discomfort or permanent injury through being vaporized or otherwise dispensed in the air, which is intended to be used for any purpose other than for authorized military or law enforcement purposes by duly authorized military or law enforcement personnel, is guilty of a crime of the fourth degree.

e. Defaced firearms. Any person who defaces any firearm is guilty of a crime of the third degree. Any person who knowingly buys, receives, disposes of or conceals a defaced firearm is guilty of a crime of the fourth degree.

Source: N. J. S. 2A:151–12 amended 1966, c. 60, s. 11; 2A:151–15 amended 1966, c. 60, s. 13; 2A:151–50; 2A:151–60; C. 2A:151–62 (1952, c. 5 amended 1959, c. 29).

C. 2C:39-10 Violation of the Regulatory Provision Relating to Firearms; False Representation in Applications.

2C:39–10. Violation of the Regulatory Provision Relating to Firearms; False Representation in Applications. a. Any person who knowingly violates the regulatory provisions relating to manufacturing or wholesaling of firearms (section 2C:58–1), permits to purchase certain firearms (section 2C:58–3), permits to carry certain firearms (section 2C:58–4), licenses to procure machine guns (section 2C:58–5), or incendiary or tracer ammunition (section 2C:58–10), except acts which are punishable under section 2C:39–5 or section 2C:39–9, is guilty of a crime of the fourth degree.

b. Any person who knowingly violates the regulatory provisions relating to notifying the authorities of possessing certain items of explosives (section 2C:58–7), or of certain wounds (section 2C:58–8) is a disorderly person.

c. Any person who gives or causes to be given any false information, or signs a fictitious name or address, in applying for a firearms purchaser identification card or a permit to purchase or a permit to carry a handgun, or a permit to possess a machine gun, or in completing the certificate or any other instrument required by law in purchasing or otherwise acquiring delivery of any rifle, shotgun, handgun, machine gun, or any other firearm, is guilty of a crime of the third degree.

Source: N. J. S. 2A:151–48 amended 1966, c. 60, s. 39; 2A:151–55; 2A:170–17; C. 2A:170–25.7 (1959, c. 194).

C. 2C:39-11 Pawnbrokers; Loaning on Firearms.

2C:39–11. Pawnbrokers; Loaning on Firearms. a. Any pawnbroker who sells, offers to sell or to lend or to give away any weapon, destructive device or explosive is guilty of a crime of the fourth degree.

b. Any person who loans money secured by mortgage, deposit or pledge on any handgun, rifle or shotgun is guilty of a disorderly persons offense.

Source: N. J. S. 2A:151–2 amended 1966, c. 60, s. 2; 2A: 151–3.

C. 2C:39-12 Voluntary Surrender.

2C:39–12. Voluntary Surrender. No person shall be convicted of an offense under this chapter for possessing any firearms, weapons, destructive devices, silencers or explosives, if after giving written notice of his intention to do so, including the proposed date and time of surrender, he voluntarily surrendered the weapon, device, instrument or substance in question to the superintendent or to the chief of police in the municipality in which he resides, provided that the required notice is received by the superintendent or chief of police before any charges have been made or complaints filed against such person for the unlawful possession of the weapon, device, instrument or substance in question and before any investigation has been commenced by any law enforcement agency concerning the unlawful possession. Nothing in this section shall be construed as granting immunity from prosecution for any crime or offense except that of the unlawful possession of such weapons, devices, instruments or substances surrendered as herein provided.

Source: New.

CHAPTER 40. OTHER OFFENSES RELATING TO PUBLIC SAFETY

Section

2C:40–1. Creating a Hazard.
2C:40–2. Refusing to Yield a Party Line.

C. 2C:40-1 Creating a Hazard.

2C:40–1. Creating a Hazard. A person is guilty of a disorderly persons offense when:

a. He maintains, stores or displays unattended in a place other than a permanently enclosed building or discards in any public or private place, including any junkyard, where it might attract children, a container which has a compartment of more than one and one-half cubic feet capacity and a door or lid which locks or fastens automatically when closed and which cannot easily be opened from the inside, he fails to remove the door, lid, locking or fastening device;

b. Being the owner or otherwise having possession of property upon which an abandoned well or cesspool is located, he fails to cover the same with suitable protective construction; or

c. He discards or abandons in any public or private place accessible to children, whether or not such children are trespassers, any intact television picture tube, or being the owner, lessee or manager of such place, knowingly permits such abandoned or discarded television picture tube to remain there in such condition.

Source: C. 2A:170–25.2 (1953, c. 67, amended 1954, c. 157; 1971, c. 325, s. 1); C. 2A:170–25.16 (1970, c. 133).

C. 2C:40-2 Refusing to Yield a Party Line.

2C:40–2. Refusing to Yield a Party Line. A person is guilty of a disorderly persons offense when, being informed that a party line is needed for an emergency call, he refuses immediately to relinquish such line.

"Party line" means a subscriber's line telephone circuit, consisting of two or more main telephone stations connected therewith, each station with a distinctive ring or telephone number.

"Emergency call" means a telephone call to a police or fire department or for medical aid or ambulance service, necessitated by a situation in which human life or property is in jeopardy and prompt summoning of aid is essential.

Source: C. 2A:170–25.5 (1955, c. 250).

CHAPTER 41. [RESERVED]

CHAPTER 42. [RESERVED]

SUBTITLE 3. SENTENCING

CHAPTER 43. AUTHORIZED DISPOSITION OF OFFENDERS

Section
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2C:43-20. Reduction or Elimination of Time During Which Rules May Be Canceled by Joint Resolution.
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C. 2C:43-1 Degrees of Crimes.

2C:43-1. Degrees of Crimes. a. Crimes defined by this code are classified, for the purpose of sentence, into four degrees, as follows:

(1) Crimes of the first degree;
(2) Crimes of the second degree;
(3) Crimes of the third degree; and
(4) Crimes of the fourth degree.

A crime is of the first, second, third or fourth degree when it is so designated by the code. An offense, declared to be a crime, without specification of degree, is of the fourth degree.

b. Notwithstanding any other provision of law, a crime defined by any statute of this State other than this code and designated as a high misdemeanor shall constitute for the purpose of sentence a crime of the third degree. Notwithstanding any other provision of law, a crime defined by any statute of this State other than this code and designated as a misdemeanor shall constitute for the purpose of sentence a crime of the fourth degree. The provisions of this subsection shall not, however, apply to the sentences authorized by the "New Jersey Controlled Dangerous Substances Act," P. L. 1970, c. 226 (C. 24:21-1 through 45), which shall be continued in effect.

Source: N. J. S. 2A:85-6 amended 1977, c. 214, s. 1; 2A:85-7; Model Penal Code: 6.01.

C. 2C:43-2 Sentence in Accordance with Code; Authorized Dispositions.

2C:43-2. Sentence in Accordance with Code; Authorized Dispositions. a. Except as provided in section 2C:43-1b, as to persons convicted of offenses under the New Jersey Controlled Dangerous Substances Act, all persons convicted of an offense or offenses shall be sentenced in accordance with this chapter.

b. Except as provided in subsection a. of this section and subject to the applicable provisions of the code, the court may suspend the imposition of sentence on a person who has been convicted of an offense, may proceed as set forth in sections 2C:43-12 and 13 to allow supervisory treatment, or may sentence him as follows:

(1) To pay a fine or make restitution authorized by section 2C:43-3;

(2) To be placed on probation and, in the case of a person convicted of an offense, other than a petty disorderly persons offense, to imprisonment for a term fixed by the court not exceeding 90 days to be served as a condition of probation;

(3) To imprisonment for a term authorized by sections 2C:11–3, 2C:43–5, 6, 7, and 8 or 2C:44–5;

(4) To fine, restitution and probation, or fine, restitution and imprisonment;

(5) To release under supervision in the community;

(6) To a halfway house or other residential facility in the community, including agencies which are not operated by the Department of Human Services; or

(7) To imprisonment at night or on weekends with liberty to work or to participate in training or educational programs.

c. This chapter does not deprive the court of any authority conferred by law to decree a forfeiture of property, suspend or cancel a license, remove a person from office, or impose any other civil penalty. Such a judgment or order may be included in the sentence.

d. The court shall state on the record the reasons for imposing the sentence, including its findings pursuant to the criteria for withholding or imposing imprisonment or fines under sections 2C:44–1 to 2C:44–3 and the factual basis supporting its finding of particular aggravating or mitigating factors affecting sentence.

Source: Model Penal Code: 6.02.

C. 2C:43-3 Fines and Restitutions.

2C:43–3. Fines and Restitutions. A person who has been convicted of an offense may be sentenced to pay a fine, to make restitution, or both, such fine or restitution not to exceed:

a. $100,000.00, when the conviction is of a crime of the first or second degree;

b. $7,500.00, when the conviction is of a crime of the third or fourth degree;

c. $1,000.00, when the conviction is of a disorderly persons offense;

d. $500.00, when the conviction is of a petty disorderly persons offense.

e. Any higher amount equal to double the pecuniary gain to the offender or loss to the victim caused by the conduct constituting the offense by the offender. In such case the court shall make a finding as to the amount of the gain or loss, and if the record does not contain sufficient evidence to support such a finding the court

may conduct a hearing upon the issue. For purposes of this section the terms "gain" means the amount of money or the value of property derived by the offender and "loss" means the amount of value separated from the victim.

f. Any higher amount specifically authorized by statute.

The restitution ordered paid to the victim shall not exceed his loss. Any restitution imposed on a person shall be in addition to any fine which may be imposed pursuant to this section.

Source: N. J. S. 2A:85–6 amended 1977, c. 214, s. 1; 2A:85–7; Model Penal Code: 6.03.

C. 2C:43-4 Penalties Against Corporations; Forfeiture of Corporate Charter or Revocation of Certificate Authorizing Foreign Corporation to do Business in the State.

2C:43–4. Penalties Against Corporations; Forfeiture of Corporate Charter or Revocation of Certificate Authorizing Foreign Corporation to do Business in the State. a. The court may suspend the imposition of sentence of a corporation which has been convicted of an offense or may sentence it to pay a fine of up to three times the fine provided for in section 2C:43–3 or make restitution authorized by section 2C:43–3.

b. When a corporation is convicted of an offense or a high managerial agent of a corporation, as defined in section 2C:2–7 is convicted of an offense committed in conducting the affairs of the corporation, the court may request the Attorney General to institute appropriate proceedings to dissolve the corporation, forfeit its charter, revoke any franchises held by it, or to revoke the certificate authorizing the corporation to conduct business in this State.

Source: Model Penal Code: 6.04.

C. 2C:43-5 Young Adult Offenders.

2C:43–5. Young Adult Offenders. Any person who, at the time of sentencing, is less than 26 years of age and who has been convicted of a crime may be sentenced to the reformatory as defined in R. S. 30:4–146, in the case of men, and R. S. 30:4–153, in the case of women, instead of the sentences otherwise authorized by the code.

Source: Model Penal Code: 6.05.

C. 2C:43-6 Sentence of Imprisonment for Crime; Ordinary Terms.

2C:43–6. Sentence of Imprisonment for Crime; Ordinary Terms. a. A person who has been convicted of a crime may be sentenced to imprisonment, as follows:

(1) In the case of a crime of the first degree, for a specific term of years which shall be fixed by the court and shall be between 10 years and 20 years;

(2) In the case of a crime of the second degree, for a specific term of years which shall be fixed by the court and shall be between 5 years and 10 years;

(3) In the case of a crime of the third degree, for a specific term of years which shall be fixed by the court and shall be between 3 years and 5 years;

(4) In the case of a crime of the fourth degree, for a specific term which shall be fixed by the court and shall not exceed 18 months.

b. As part of a sentence for a crime of the first or second degree the court may fix a minimum term during which the defendant shall not be eligible for parole and which may be up to one-half of the term set pursuant to subsection a.

c. By operation of law, there shall be added to the terms described in subsection a. the separate parole term described in section 2C:43-9.

Source: N. J. S. 2A:85-6 amended 1977, c. 214, s. 1; 2A:85-7; Model Penal Code: 6.06.

C. 2C:43-7 Sentence of Imprisonment for Crime; Extended Terms.

2C:43-7. Sentence of Imprisonment for Crime; Extended Terms. a. In the cases designated in section 2C:44-3 and 2C:11-3, a person who has been convicted of a crime may be sentenced to an extended term of imprisonment, as follows:

(1) In the case of a crime sentenced under 2C:11-3 b. (1) for a specific term of years which shall be fixed by the court and shall be between 30 years and life imprisonment;

(2) In the case of a crime of the first degree, for a specific term of years which shall be fixed by the court and shall be between 20 years and life imprisonment;

(3) In case of a crime of the second degree, for a term which shall be fixed by the court between 10 and 20 years;

(4) In the case of a crime of the third degree, for a term which shall be fixed by the court between 5 and 10 years;

b. As part of a sentence for an extended term, the court may fix a minimum term during which the defendant shall not be eligible for parole and which may be up to one-half of the term set pursuant to subsection a. or a term of up to 25 years during which time the

defendant shall not be eligible for parole where the sentence imposed was life imprisonment.

c. By operation of law, there shall be added to the terms described in subsection a. the separate parole term described in section 2C:43–9.

Source: N. J. S. 2A:85–8 amended 1953, c. 166, s. 1; 2A:85–9 amended 1953, c. 166, s. 2; 2A:85–10; 2A:85–12 amended 1953, c. 166, s. 3; 2A:85–13 amended 1953, c. 166, s. 4; Model Penal Code: 6.07.

C. 2C:43-8 Sentence of Imprisonment for Disorderly Persons Offenses and Petty Disorderly Persons Offenses.

2C:43–8. Sentence of Imprisonment for Disorderly Persons Offenses and Petty Disorderly Persons Offenses. A person who has been convicted of a disorderly persons offense or a petty disorderly persons offense may be sentenced to imprisonment for a definite term which shall be fixed by the court and shall not exceed 6 months in the case of a disorderly persons offense or 30 days in the case of a petty disorderly persons offense.

Source: N. J. S. 2A:169–4 amended 1968, c. 113; Model Penal Code: 6.08.

C. 2C:43-9 First Release of All Offenders on Parole; Sentence of Imprisonment Includes Separate Parole Term; Length of Recommitment and Reparole After Revocation of Parole; Final Unconditional Release.

2C:43–9. First Release of All Offenders on Parole; Sentence of Imprisonment Includes Separate Parole Term; Length of Recommitment and Reparole After Revocation of Parole; Final Unconditional Release. a. First release of all offenders on parole. An offender sentenced to a term of imprisonment under section 2C:11–3, 2C:43–5, 2C:43–6, 2C:43–7, or 2C:44–5 shall be released conditionally on parole at or before the expiration of such term, in accordance with the law governing parole.

b. Sentence of imprisonment includes separate parole term; length of parole term. A sentence to a term of imprisonment under section 2C:11–3, 2C:43–5, 2C:43–6, 2C:43–7 or 2C:44–5 includes as a separate portion of the sentence a term of parole which governs the duration of parole if the offender has not been released before the expiration of the term of imprisonment imposed. The term is 1 year unless the conviction was for a crime of the fourth degree in which case it is 6 months.

c. Length of recommitment and reparole after revocation of parole. If an offender is recommitted upon revocation of his parole, the term of further imprisonment upon such recommitment and of

any subsequent reparole or recommitment under the same sentence shall be fixed by the parole board but shall not exceed the original sentence determined from the date of conviction.

d. Final unconditional release. When the parole term has expired or he has been sooner discharged from parole, an offender shall be deemed to have served his sentence and shall be released unconditionally.

Source: Model Penal Code: 6.10.

C. 2C:43-10 Place of Imprisonment; Beginning Sentences; Transfers.

2C:43–10. Place of Imprisonment; Beginning Sentences; Transfers. a. Sentences for terms of 1 year or longer. Except as provided in section 2C:43–5 and in subsection b. of this section, when a person is sentenced to imprisonment for any term of 1 year or greater, the court shall commit him to the custody of the Commissioner of the Department of Corrections for the term of his sentence and until released in accordance with law.

b. County institution. In any county in which a county penitentiary or a county workhouse is located, a person sentenced to imprisonment for a term not exceeding 18 months may be committed to the penitentiary or workhouse of such county.

c. Sentences for terms of less than 1 year. When a person is sentenced to imprisonment for a term of less than 1 year, the court shall commit him either to the common jail of the county, the county workhouse or the county penitentiary for the term of his sentence and until released in accordance with law. In counties of the first class, however, no sentence exceeding 6 months shall be to the common jail of the county.

d. Aggregation of sentences when a person is sentenced to more than one term of imprisonment, and the sentences are to be consecutive, the terms shall be aggregated for the purpose of determining the place of imprisonment under subsections a., b. or c. of this section.

e. Duties of sheriff and keeper on sentence to State Prison. In all cases where the defendant, upon conviction, is sentenced by the court to imprisonment, for any term of 1 year or greater, the sheriff of the county or his lawful deputy shall, within 15 days transport him to the State Prison and there deliver him into the custody of the Commissioner of the Department of Corrections together with a copy of the sentence of the court ordering such imprisonment certified by the clerk of the court where the conviction was had, a copy of the court's statement of reasons for the sentence, and a

copy of the presentence report or any presentence information used by the judge in determining sentence.

In every case at least 48 hours, exclusive of Sundays and legal holidays, shall elapse between the time of sentence and removal to the State Prison.

f. Beginning sentences in county institutions. Every person sentenced to the county workhouse or penitentiary shall be transferred to and confined therein within 10 days after the sentence.

g. Transfer of persons sentenced to county jail, penitentiary or workhouse from one to another thereof. Every person sentenced to imprisonment in a county jail, penitentiary or workhouse may upon the application of the board of chosen freeholders of such county and by order of the County Court, be transferred from any one of such county penal institutions to any other thereof. No such transfer or retransfer shall in any way affect the term of the original sentence of the person so transferred or retransferred.

Source: N. J. S. 2A:164–15 amended 1953, c. 421; 2A:164–18; 2A:164–22 and 2A:164–23; Model Penal Code: 6.11.

C. 2C:43-11 Blank.

2C:43–11. Blank.

C. 2C:43-12 Supervisory Treatment—Pretrial Intervention.

2C:43–12. Supervisory Treatment—Pretrial Intervention. a. Public policy. The purpose of "The Supervisory Treatment Act" is to effectuate a statewide program of Pretrial Intervention. It is the policy of the State of New Jersey that supervisory treatment should ordinarily be limited to persons who have not previously been convicted of any criminal offense under the laws of New Jersey or, subsequent to the effective date of this act, under any criminal law of the United States, this State or any other state when supervisory treatment would:

(1) Provide applicants, on an equal basis, with opportunities to avoid ordinary prosecution by receiving early rehabilitative services or supervision, when such services or supervision can reasonably be expected to deter future criminal behavior by an applicant, and when there is apparent causal connection between the offense charged and the rehabilitative or supervisory need, without which cause both the alleged offense and the need to prosecute might not have occurred; or

(2) Provide an alternative to prosecution for applicants who might be harmed by the imposition of criminal sanctions as pres-

ently administered, when such an alternative can be expected to serve as sufficient sanction to deter criminal conduct; or

(3) Provide a mechanism for permitting the least burdensome form of prosecution possible for defendants charged with "victimless" offenses; or

(4) Provide assistance to criminal calendars in order to focus expenditure of criminal justice resources on matters involving serious criminality and severe correctional problems; or

(5) Provide deterrence of future criminal or disorderly behavior by an applicant in a program of supervisory treatment.

b. Admission of an applicant into a program of supervisory treatment shall be measured according to the applicant's amenability to correction, responsiveness to rehabilitation and the nature of the offense.

c. The decisions and reasons therefor made by the designated judges (or assignment judges), prosecutors and program directors in granting or denying applications for supervisory treatment, in recommending and ordering termination from the program or dismissal of charges, in all cases shall be reduced to writing and disclosed to the applicant.

d. If an applicant desires to challenge the decision of the prosecutor or program director not to recommend enrollment in a program of supervisory treatment the proceedings prescribed under section 14 shall be followed.

e. Referral. At any time prior to trial but after the filing of a criminal complaint or accusation or the return of an indictment, with the consent of the prosecutor and upon written recommendation of the program director, the assignment judge or a judge designated by him may postpone all further proceedings against an applicant and refer said applicant to a program supervisory treatment approved by the Supreme Court. Prosecutors and program directors may consider in formulating their recommendation of an applicant's participation in a supervisory treatment program, among others, the following criteria:

(1) The nature of the offense;

(2) The facts of the case;

(3) The motivation and age of the defendant;

(4) The desire of the complainant or victim to forego prosecution;

(5) The existence of personal problems and character traits which may be related to the applicant's crime and for which services

are unavailable within the criminal justice system, or which may be provided more effectively through supervisory treatment and the probability that the causes of criminal behavior can be controlled by proper treatment;

(6) The likelihood that the applicant's crime is related to a condition or situation that would be conducive to change through his participation in supervisory treatment;

(7) The needs and interests of the victim and society;

(8) The extent to which the applicant's crime constitutes part of a continuing pattern of anti-social behavior;

(9) The applicant's record of criminal and penal violations and the extent to which he may present a substantial danger to others;

(10) Whether or not the crime is of an assaultive or violent nature, whether in the criminal act itself or in the possible injurious consequences of such behavior;

(11) Consideration of whether or not prosecution would exacerbate the social problem that led to the applicant's criminal act;

(12) The history of the use of physical violence toward others;

(13) Any involvement of the applicant with organized crime;

(14) Whether or not the crime is of such a nature that the value of supervisory treatment would be outweighed by the public need for prosecution;

(15) Whether or not the applicant's involvement with other people in the crime charged or in other crime is such that the interest of the State would be best served by processing his case through traditional criminal justice system procedures;

(16) Whether or not applicant's participation in pretrial intervention will adversely affect the prosecution of codefendants; and (17) Whether or not the harm done to society by abandoning criminal prosecution would outweigh the benefits to society from channeling an offender into a supervisory treatment program.

f. Review of Supervisory Treatment Applications. Procedure Upon Denial: Each applicant for supervisory treatment shall be entitled to full and fair consideration of his application. If an application is denied, the program director or the prosecutor shall precisely state his findings and conclusion which shall include the facts upon which the application is based and the reasons offered for the denial. If the applicant desires to challenge the decision of a program director not to recommend, or of a prosecutor to consent to, enrollment into a supervisory treatment program, a motion shall

be filed before the designated judge (or assignment judge) authorized pursuant to the rules of court to enter orders.

g. Limitations. Supervisory treatment, whether under this section or under section 27 of P. L. 1970, c. 226 (C. 24:21–27), may occur only once with respect to any defendant, however, supervisory treatment, as provided herein, shall be available to a defendant irrespective of whether the defendant contests his guilt of the charge or charges against him.

h. Termination. Termination of supervisory treatment under this section shall be immediately reported to the assignment judge of the county who shall forward such information to the Administrative Director of the Courts.

i. Appointment of Program Directors; Authorized Referrals. Programs of supervisory treatment and appointment of the program directors require approval by the Supreme Court with the consent of the assignment judge and prosecutor. Referrals of participants from supervisory treatment programs may be to any public or private office of agency, including but not limited to programs within the probation service of the Court, offering counseling or any other social service likely to aid in the rehabilitation of the participant and to deter the commission of other offenses.

Source: New.

C. 2C:43-13 Supervisory Treatment Procedure.

2C:43–13. Supervisory Treatment Procedure. a. Agreement. The terms and duration of the supervisory treatment shall be set forth in writing, signed by the prosecutor and agreed to and signed by the participant. If the participant is represented by counsel, defense counsel shall also sign the agreement. Each order of supervisory treatment shall be filed with the county clerk.

b. Charges. During a period of supervisory treatment the charge or charges on which the participant is undergoing supervisory treatment shall be held in an inactive status pending termination of the supervisory treatment pursuant to subsection d. or e. of this section.

c. Period of treatment. Supervisory Treatment may be for such period, not to exceed 1 year, provided, however, that the period of supervisory treatment may be shortened or terminated as the program director may determine with the consent of the prosecutor and the approval of the court.

d. Dismissal. Upon completion of supervisory treatment, and with the consent of the prosecutor, the complaint, indictment or accusation against the participant may be dismissed with prejudice.

e. Violation of conditions. Upon violation of the conditions of supervisory treatment, the court shall determine, after summary hearing, whether said violation warrants the participant's dismissal from the supervisory treatment program or modification of the conditions of continued participation in that or another supervisory treatment program. Upon dismissal of participant from the supervisory treatment program, the charges against the participant may be reactivated and the prosecutor may proceed as though no supervisory treatment had been commenced.

f. Evidence. No statement or other disclosure by a participant undergoing supervisory treatment made or disclosed to the person designated to provide such supervisory treatment shall be disclosed, at any time, to the prosecutor in connection with the charge or charges against the participant, nor shall any such statement or disclosure be admitted as evidence in any civil or criminal proceeding against the participant. Nothing provided herein, however, shall prevent the person providing supervisory treatment from informing the prosecutor, or the court, upon request or otherwise as to whether or not the participant is satisfactorily responding to supervisory treatment.

g. Delay. No participant agreeing to undergo supervisory treatment shall be permitted to complain of a lack of speedy trial for any delay caused by the commencement of supervisory treatment.

Source: New.

C. 2C:43-14 Authority of Supreme Court.

2C:43–14. Authority of Supreme Court. The Supreme Court may adopt rules dealing with Supervisory Treatment in accordance with procedures herein set forth.

Source: New.

C. 2C:43-15 Presentation of Proposed Rules at Judicial Conference.

2C:43–15. Presentation of Proposed Rules at Judicial Conference. The subject matter and a tentative draft of a rule or rules proposed to be adopted pursuant to this title shall be entered upon the agenda and discussed at a Judicial Conference whose membership shall at least include delegates from the Supreme Court, the Appellate Division of the Superior Court, the judges of the Law Division and the Chancery Division of the Superior Court, the judges of the County Courts, the judges of the county district courts, the judges of the juvenile and domestic relations courts, the judges of the municipal courts, the surrogates, the State Bar Association, the county bar associations, the Senate and General

Assembly, the Attorney General, the county prosecutors, the law schools of this State, and members of the public.

Source: New.

C. 2C:43-16 Public Announcement of Proposed Rules; Delivery of Copies.

2C:43–16. Public Announcement of Proposed Rules; Delivery of Copies. The proposed rule or rules shall be publicly announced by the Supreme Court on September 15 next following such Judicial Conference (or, if such day be a Saturday, Sunday or legal holiday, on the first day thereafter that is not), and the court shall, on the same day, cause true copies thereof to be delivered to the President of the Senate, the Speaker of the General Assembly, and the Governor.

Source: New.

C. 2C:43-17 Effective Date of Rules; Rules Subject to Cancellation by Joint Resolution.

2C:43–17. Effective Date of Rules; Rules Subject to Cancellation by Joint Resolution. The rule or rules so announced and delivered shall take effect on July 1 next following; provided, however, that all such rules shall remain subject to cancellation at any time up to such effective date by joint resolution to that effect adopted by the Senate and General Assembly and signed by the Governor.

Source: New.

C. 2C:43-18 Change or Cancellation of Rules by Statute or Adoption of Subsequent Rules.

2C:43–18. Change or Cancellation of Rules by Statute or Adoption of Subsequent Rules. Any rule or rules so proposed or adopted shall be subject to change or cancellation at any time by statute or by a subsequent rule adopted pursuant to this act.

Source: New.

C. 2C:43-19 Adoption of Rules at Such Time, or with Such Effective Date, or without presentation at Judicial Conference, as May Be Provided in Joint Resolution.

2C:43–19. Adoption of Rules at Such Time, or with Such Effective Date, or without presentation at Judicial Conference, as May Be Provided in Joint Resolution. By joint resolution adopted by the Senate and General Assembly and signed by the Governor with respect to a particular rule or rules therein specified the Supreme Court may adopt such rule or rules at such time or times, or with such effective date, or without presentation at a Judicial Conference, as may be provided in the joint resolution.

Source: New.

C. 2C:43-20 Reduction or Elimination of Time During Which Rules May be Canceled by Joint Resolution.

2C:43–20. Reduction or Elimination of Time During Which Rules May be Canceled by Joint Resolution. By joint resolution adopted by the Senate and General Assembly and signed by the Governor with respect to a particular rule or rules therein specified, the period of time as provided in 2C:43–17 during which the same may be canceled by joint resolution may be reduced or eliminated.

Source: New.

C. 2C:43-21 Index and Reports.

2C:43–21. Index and Reports. a. Index. The Administrative Director of the Courts shall establish and maintain an index of cases in which applications for supervisory treatment have been made and such index shall indicate the dispositions of those applications.

b. Reports. At the termination of the year in which this chapter takes effect and at the termination of each calendar year thereafter, for a period of 5 years, the assignment judge for each county shall report the results of the rehabilitative effort prescribed in this act to the Administrative Director of the Courts. The report shall include a description of offenses for which supervisory treatment was prescribed, the type of treatment to which defendants were assigned, the number and types of criminal acts, if any, committed by persons during their period of supervisory treatment, the number of persons successfully completing supervisory treatment and against whom charges were dismissed, and, where possible, the number and types of criminal acts, if any, committed by such persons subsequent to successful completion of supervisory treatment.

c. Evaluation. The Administrative Director of the Courts shall, from time to time as he deems necessary, or upon request from the Legislature, evaluate the program of supervisory treatment on the basis of reports made to him by county and municipal prosecutors. He shall submit his evaluation, together with special findings and recommendations to the Legislature.

Source: New.

C. 2C:43-22 Disclaimer.

2C:43–22. Disclaimer. Nothing contained in this act is intended to supersede, repeal or modify the authority granted and procedure prescribed under section 27 of P. L. 1970, c. 226 (C. 24:21–27).

Source: New.

CHAPTER 44. AUTHORITY OF COURT IN SENTENCING

Section

2C:44–1. Criteria for Withholding or Imposing Sentence of Imprisonment.
2C:44–2. Criteria for Imposing Fines and Restitutions.
2C:44–3. Criteria for Sentence of Extended Term of Imprisonment.
2C:44–4. Former Conviction in Another Jurisdiction; Definition and Proof of Conviction.
2C:44–5. Multiple Sentences; Concurrent and Consecutive Terms.
2C:44–6. Procedure on Sentence; Presentence Investigation and Report.
2C:44–7. Appellate Review of Actions of Sentencing Court.

C. 2C:44-1 Criteria for Withholding or Imposing Sentence of Imprisonment.

2C:44–1. Criteria for Withholding or Imposing Sentence of Imprisonment. a. In determining the appropriate sentence to be imposed on a person who has been convicted of an offense, the court may properly consider the following aggravating circumstances:

(1) The nature and circumstances of the offense, and the role of the actor therein, including whether or not the crime was committed in an especially heinous, cruel, or depraved manner;

(2) The gravity and seriousness of harm inflicted on the victim, including whether or not the defendant knew or reasonably should have known that the victim of the offense was particularly vulnerable or incapable of resistance due to advanced age, disability, ill-health, or extreme youth, or was for any other reason substantially incapable of exercising normal physical or mental power of resistance;

(3) The risk that the defendant will commit another crime;

(4) A lesser sentence will depreciate the seriousness of the defendant's crime because it involved a breach of the public trust under chapters 27 and 30, or the defendant took advantage of a position of trust or confidence to commit the offense;

(5) There is a substantial likelihood that the defendant is involved in organized criminal activity;

(6) The extent of the defendant's prior criminal record and the seriousness of the offenses of which he has been convicted;

(7) The defendant committed the offense pursuant to an agreement that he either pay or be paid for the commission of the offense

and the pecuniary incentive was beyond that inherent in the offense itself;

(8) The defendant committed the offense against a police or other law enforcement officer, correctional employee or fireman, while performing his duties or because of his status as a public servant;

(9) The need for deterring the defendant and others from violating the law.

b. In determining the appropriate sentence to be imposed on a person who has been convicted of an offense, the court may properly consider the following mitigating circumstances:

(1) The defendant's conduct neither caused nor threatened serious harm;

(2) The defendant did not contemplate that his conduct would cause or threaten serious harm;

(3) The defendant acted under a strong provocation;

(4) There were substantial grounds tending to excuse or justify the defendant's conduct, though failing to establish a defense;

(5) The victim of the defendant's conduct induced or facilitated its commission;

(6) The defendant has compensated or will compensate the victim of his conduct for the damage or injury that he sustained, or will participate in a program of community service;

(7) The defendant has no history of prior delinquency or criminal activity or has led a law-abiding life for a substantial period of time before the commission of the present offense;

(8) The defendant's conduct was the result of circumstances unlikely to recur;

(9) The character and attitudes of the defendant indicate that he is unlikely to commit another offense;

(10) The defendant is particularly likely to respond affirmatively to probationary treatment;

(11) The imprisonment of the defendant would entail excessive hardship to himself or his dependents;

(12) The willingness of the defendant to cooperate with law enforcement authorities;

(13) The conduct of a youthful defendant was substantially influenced by another person more mature than the defendant.

c. A plea of guilty by a defendant or failure to so plead shall not be considered in withholding or imposing a sentence of imprisonment.

d. Presumption of imprisonment. Where a statute defining an offense of the first or second degree provides that a presumption of imprisonment shall be applied upon conviction or where a statute outside the code defining an offense which would be a first or second degree offense under the code provides for a mandatory sentence, the provision as to sentencing without imprisonment under subsection a. shall not apply and a presumption of imprisonment shall apply. The court shall deal with a person who has been convicted of such a crime by imposing a sentence of imprisonment unless, having regard to the character and condition of the defendant, it is of the opinion that his imprisonment would be a serious injustice which overrides the need to deter such conduct by others.

e. The court shall deal with a person convicted of an offense other than an offense of the first or second degree, who has not previously been convicted of an offense, without imposing sentence of imprisonment unless, having regard to the nature and circumstances of the offense and the history, character and condition of the defendant, it is of the opinion that his imprisonment is necessary for the protection of the public under the criteria set forth in subsection a.

f. Presumptive Sentences. (1) When a court determines that a sentence of imprisonment be imposed, it shall sentence the defendant to a term of 15 years for a crime of the first degree, to a term of 7 years for a crime of the second degree, to a term of 4 years for a crime of the third degree and to a term of 9 months for a crime of the fourth degree unless the preponderance of aggravating factors or preponderance of mitigating factors, as set forth in subsections a. and b., weighs in favor of higher or lower terms within the limits provided in 2C:43–6.

(2) In cases of convictions for crimes of the first or second degree where the court is clearly convinced that the mitigating factors substantially outweigh the aggravating factors and where the interest of justice demands, the court may sentence the defendant to a term appropriate to a crime of one degree lower than that of the crime for which he was convicted. If the court does impose sentence pursuant to this section, such sentence shall not become final for 10 days in order to permit the appeal of such sentence by the prosecution.

Source: N. J. S. 2A:168–1 amended 1952, c. 267. Model Penal Code: 7.01.

C. 2C:44-2 Criteria for Imposing Fines and Restitutions.

2C:44–2. Criteria for Imposing Fines and Restitutions. a. The court may sentence a defendant to pay a fine or make restitution in addition to a sentence of imprisonment or probation if:

(1) The defendant has derived a pecuniary gain from the offense; or

(2) The court is of opinion that a fine or restitution is specially adapted to deterrence of the type of offense involved or to the correction of the offender.

b. The court may sentence a defendant to pay a fine or make restitution if the defendant is, or given a fair opportunity to do so, will be able to pay the fine or restitution. The court may sentence a defendant to pay a fine only if the fine will not prevent the defendant from making restitution to the victim of the offense.

c. In determining the amount and method of payment of a fine or restitution, the court shall take into account the financial resources of the defendant and the nature of the burden that its payment will impose.

d. Nonpayment. When a defendant is sentenced to pay a fine or to make restitution, the court shall not impose at the same time an alternative sentence to be served in the event that the fine is not paid. The response of the court to nonpayment shall be determined only after the fine has not been paid, as provided in section 2C:46–2.

Source: Model Penal Code: 7.02.

C. 2C:44-3 Criteria for Sentence of Extended Term of Imprisonment.

2C:44–3. Criteria for Sentence of Extended Term of Imprisonment. The court may sentence a person who has been convicted of a crime of the first, second or third degree to an extended term of imprisonment if it finds one or more of the grounds specified in this section. The finding of the court shall be incorporated in the record.

a. The defendant is a persistent offender. A persistent offender is a person who is 21 years of age or over, who has been previously convicted on at least two separate occasions of two crimes, committed at different times, when he was at least 18 years of age, if the latest in time of these crimes is within 10 years of the date of the current offense.

b. The defendant is a professional criminal. A professional criminal is a person who committed an offense as part of a continuing criminal activity in concert with two or more persons, and the

circumstances of the crime show he has knowingly devoted himself to criminal activity as a major source of livelihood.

c. The defendant committed the offense as consideration for the receipt, or in expectation of the receipt, of anything of pecuniary value the amount of which was unrelated to the proceeds of the crime or he procured the commission of the offense by payment or promise of payment of anything of pecuniary value.

Source: N. J. S. 2A:85–8 amended 1953, c. 166, s. 1; 2A:85–9 amended 1953, c. 166, s. 2; 2A:85–10; 2A:85–12 amended 1953, c. 166, s. 3; 2A:85–13 amended 1953, c. 166, s. 4; Model Penal Code: 7.03.

C. 2C:44-4 Former Conviction in Another Jurisdiction; Definition and Proof of Conviction.

2C:44–4. Former Conviction in Another Jurisdiction; Definition and Proof of Conviction. a. For purposes of section 2C:44–1 e. or section 2C:44–3 a., a conviction of the commission of an offense in another jurisdiction shall constitute a previous conviction. Such conviction shall be deemed to have been of a crime if sentence of death or of imprisonment of 1 year or more was imposed under the law of such other jurisdiction.

b. An adjudication by a court of competent jurisdiction that the defendant committed a crime constitutes a conviction for purposes of section 2C:44–1, of section 2C:44–3 and of this section, although sentence or the execution thereof was suspended, provided that the time to appeal has expired and that the defendant was not pardoned on the ground of innocence.

c. Prior conviction may be proved by any evidence, including fingerprint records made in connection with arrest, conviction or imprisonment, that reasonably satisfies the court that the defendant was convicted.

Source: N. J. S. 2A:85–8 amended 1953, c. 166, s. 1; Model Penal Code: 7.05.

C. 2C:44-5 Multiple Sentences; Concurrent and Consecutive Terms.

2C:44–5. Multiple Sentences; Concurrent and Consecutive Terms. a. Sentences of imprisonment for more than one offense. When multiple sentences of imprisonment are imposed on a defendant for more than one offense, including an offense for which a previous suspended sentence or sentence of probation has been revoked, such multiple sentences shall run concurrently or consecutively as the court determines at the time of sentence, except that:

(1) A term to a State penal or correctional institution and a

definite term to a county institution shall run concurrently and both sentences shall be satisfied by service of the State term; and

(2) The aggregate of consecutive terms to a county institution shall not exceed 18 months; and

(3) Not more than one sentence for an extended term shall be imposed.

b. Sentences of imprisonment imposed at different times. When a defendant who has previously been sentenced to imprisonment is subsequently sentenced to another term for an offense committed prior to the former sentence, other than an offense committed while in custody;

(1) The multiple sentences imposed shall so far as possible conform to subsection a. of this section; and

(2) Whether the court determines that the terms shall run concurrently or consecutively, the defendant shall be credited with time served in imprisonment on the prior sentence in determining the permissible aggregate length of the term or terms remaining to be served; and

(3) When a new sentence is imposed on a prisoner who is on parole, the balance of the parole term on the former sentence shall be deemed to run during the period of the new imprisonment.

c. Sentence of imprisonment for offense committed while on parole. When a defendant is sentenced to imprisonment for an offense committed while on parole in this State, such term of imprisonment and any period of reimprisonment that the parole board may require the defendant to serve upon the revocation of his parole shall run concurrently, unless the court orders them to run consecutively.

d. Multiple sentences of imprisonment in other cases. Except as otherwise provided in this section, multiple terms of imprisonment shall run concurrently or consecutively as the court determines when the second or subsequent sentence is imposed.

e. Calculation of concurrent and consecutive terms of imprisonment.

(1) When terms of imprisonment run concurrently, the shorter terms merge in and are satisfied by discharge of the longest term.

(2) When terms of imprisonment run consecutively, the terms are added to arrive at an aggregate term to be served equal to the sum of all terms.

f. Suspension of sentence or probation and imprisonment; multiple terms of suspension and probation. When a defendant is sen-

tenced for more than one offense or a defendant already under sentence is sentenced for another offense committed prior to the former sentence:

(1) The court shall not sentence to probation a defendant who is under sentence of imprisonment, except as authorized by section 2C:43-2 a. (2);

(2) Multiple periods of suspension or probation shall run concurrently from the date of the first such disposition;

(3) When a sentence of imprisonment in excess of 1 year is imposed, the service of such sentence shall satisfy a suspended sentence on another count or prior suspended sentence or sentence to probation; and

(4) When a sentence of imprisonment of 1 year or less is imposed, the period of a suspended sentence on another count or a prior suspended sentence or sentence to probation shall run during the period of such imprisonment.

g. Offense committed while under suspension of sentence or probation. When a defendant is convicted of an offense committed while under suspension of sentence or on probation and such suspension or probation is not revoked:

(1) If the defendant is sentenced to imprisonment in excess of 1 year, the service of such sentence shall satisfy the prior suspended sentence or sentence to probation;

(2) If the defendant is sentenced to imprisonment of 1 year or less, the period of the suspension or probation shall not run during the period of such imprisonment; and

(3) If sentence is suspended or the defendant is sentenced to probation, the period of such suspension or probation shall run concurrently with or consecutively to the remainder of the prior periods, as the court determines at the time of sentence.

Source: Model Penal Code: 7.06.

C. 2C:44-6 Procedure on Sentence; Presentence Investigation and Report.

2C:44-6. Procedure on Sentence; Presentence Investigation and Report. a. The court shall not impose sentence without first ordering a presentence investigation of the defendant and according due consideration to a written report of such investigation when required by Rules of Court. The court may order a presentence investigation in any other case.

b. The presentence investigation shall include an analysis of the circumstances attending the commission of the offense, the defendant's history of delinquency or criminality, family situation,

personal habits, the disposition of any charge made against any codefendants and may include a report on his physical and mental condition and any other matters that the probation officer deems relevant or the court directs to be included.

c. If, after the presentence investigation, the court desires additional information concerning an offender convicted of an offense before imposing sentence, it may order that he be examined as to his medical or mental condition except that he may not be committed to an institution for such examination.

d. Disclosure of any presentence investigation report or psychiatric examination report shall be in accordance with law and the Rules of Court.

e. The court shall not impose a sentence of imprisonment for an extended term unless the ground therefor has been established at a hearing after the conviction of the defendant and on written notice to him of the ground proposed. The defendant shall have the right to hear and controvert the evidence against him and to offer evidence upon the issue.

Source: N. J. S. 2A:164–2; 2A:168–3; Model Penal Code: 7.07.

C. 2C:44-7 Appellate Review of Actions of Sentencing Court.

2C:44–7. Appellate Review of Actions of Sentencing Court. Any action taken by the court in imposing sentence shall be subject to review by an appellate court. The court shall specifically have the authority to review findings of fact by the sentencing court in support of its findings of aggravating and mitigating circumstances and to modify the defendant's sentence upon his application where such findings are not fairly supported on the record before the trial court.

Source: New.

Chapter 45. Suspension of Sentence; Probation

Section

2C:45–1. Conditions of Suspension or Probation.
2C:45–2. Period of Suspension or Probation; Modification of Conditions; Discharge of Defendant.
2C:45–3. Summons or Arrest of Defendant Under Suspended Sentence or on Probation; Commitment Without Bail; Revocation and Resentence.
2C:45–4. Notice and Hearing on Revocation or Modification of Conditions of Suspension or Probation.

C. 2C:45-1 Conditions of Suspension or Probation.

2C:45-1. Conditions of Suspension or Probation. a. When the court suspends the imposition of sentence on a person who has been convicted of an offense or sentences him to be placed on probation, it shall attach such reasonable conditions, authorized by this section, as it deems necessary to insure that he will lead a law-abiding life or is likely to assist him to do so. These conditions may be set forth in a set of standardized conditions promulgated by the county probation department and approved by the court.

b. The court, as a condition of its order, may require the defendant:

(1) To support his dependents and meet his family responsibilities;

(2) To find and continue in gainful employment;

(3) To undergo available medical or psychiatric treatment and to enter and remain in a specified institution, when required for that purpose;

(4) To pursue a prescribed secular course of study or vocational training;

(5) To attend or reside in a facility established for the instruction, recreation or residence of persons on probation;

(6) To refrain from frequenting unlawful or disreputable places or consorting with disreputable persons;

(7) Not to have in his possession any firearm or other dangerous weapon unless granted written permission;

(8) To make restitution of the fruits of his offense, in an amount he can afford to pay, for the loss or damage caused thereby;

(9) To remain within the jurisdiction of the court and to notify the court or the probation officer of any change in his address or his employment;

(10) To report as directed to the court or the probation officer, to permit the officer to visit his home, and to answer all reasonable inquiries by the probation officer;

(11) To satisfy any other conditions reasonably related to the rehabilitation of the defendant and not unduly restrictive of his liberty or incompatible with his freedom of conscience.

c. When the court sentences a person who has been convicted of an offense, other than a petty disorderly persons offense, to be placed on probation, it may require him to serve a term of imprisonment not exceeding 90 days as an additional condition of its order. The term of imprisonment imposed hereunder shall be

treated as part of the sentence, and in the event of a sentence of imprisonment upon the revocation of probation, the term of imprisonment served hereunder shall be credited toward service of such subsequent sentence.

d. The defendant shall be given a copy of the terms of his probation or suspension of sentence and any requirements imposed pursuant to this section, stated with sufficient specificity to enable him to guide himself accordingly. The defendant shall acknowledge, in writing, his receipt of these documents and his consent to their terms.

Source: N. J. S. 2A:168–1 amended 1952, c. 267; 2A:168–2; Model Penal Code: 301.1.

C. 2C:45-2 Period of Suspension or Probation; Modification of Conditions; Discharge of Defendant.

2C:45–2. Period of Suspension or Probation; Modification of Conditions; Discharge of Defendant. a. When the court has suspended sentence or has sentenced a defendant to be placed on probation, the period of the suspension or probation shall be fixed by the court at not to exceed the maximum term which could have been imposed or more than 5 years whichever is lesser. The court, on application of a probation officer or of the defendant, or on its own motion, may discharge the defendant at any time.

b. During the period of the suspension or probation, the court, on application of a probation officer or of the defendant, or on its own motion, may (1) modify the requirements imposed on the defendants; or (2) add further requirements authorized by section 2C:45–1. The court shall eliminate any requirement that imposes an unreasonable burden on the defendant.

c. Upon the termination of the period of suspension or probation or the earlier discharge of the defendant, the defendant shall be relieved of any obligations imposed by the order of the court and shall have satisfied his sentence for the offense.

Source: N. J. S. 2A:168–1 amended 1952, c. 267; N. J. S. 2A:168–2; 2A:168–4; Model Penal Code: 301.2.

C. 2C:45-3 Summons or Arrest of Defendant Under Suspended Sentence or on Probation; Commitment Without Bail; Revocation and Resentence.

2C:45–3. Summons or Arrest of Defendant Under Suspended Sentence or on Probation; Commitment Without Bail; Revocation and Resentence. a. At any time before the discharge of the defendant or the termination of the period of suspension or probation:

(1) The court may summon the defendant to appear before it or may issue a warrant for his arrest;

(2) A peace officer, having probable cause to believe that the defendant has failed to comply with a requirement imposed as a condition of the order or that he has committed another offense, may arrest him without a warrant;

(3) The court, if there is probable cause to believe that the defendant has committed another offense or if he has been held to answer therefor, may commit him without bail, pending a determination of the charge by the court having jurisdiction thereof;

(4) The court, if satisfied that the defendant has inexcusably failed to comply with a substantial requirement imposed as a condition of the order or if he has been convicted of another offense, may revoke the suspension or probation and sentence or resentence the defendant, as provided in this section.

b. When the court revokes a suspension or probation, it may impose on the defendant any sentence that might have been imposed originally for the offense of which he was convicted, except that the defendant shall not be sentenced to imprisonment unless:

(1) He has been convicted of another offense; or

(2) The facts supporting the revocation indicate that his continued liberty involves excessive risk that he will commit another offense.

Source: N. J. S. 2A:168–4; Model Penal Code: 301.3.

C. 2C:45-4 Notice and Hearing on Revocation or Modification of Conditions of Suspension or Probation.

2C:45–4. Notice and Hearing on Revocation or Modification of Conditions of Suspension or Probation. The court shall not revoke a suspension of sentence or probation or delete, add or modify conditions of probation except after a hearing upon written notice to the defendant of the grounds on which such action is proposed. The defendant shall have the right to hear and controvert the evidence against him, to offer evidence in his defense, and to be represented by counsel.

Source: N. J. S. 2A:168–4; Model Penal Code: 301.4.

Chapter 46. Fines and Restitutions

Section

2C:46–1. Time and Method of Payment; Disposition of Funds.
2C:46–2. Consequences of Nonpayment; Summary Collection.
2C:46–3. Revocation of Fine.

C. 2C:46-1 Time and Method of Payment; Disposition of Funds.

2C:46–1. Time and Method of Payment; Disposition of Funds. a. When a defendant is sentenced to pay a fine or to make restitution, the court may grant permission for the payment to be made within a specified period of time or in specified installments. If no such permission is embodied in the sentence, the fine or restitution shall be payable forthwith.

b. When a defendant sentenced to pay a fine or to make restitution is also sentenced to probation, the court may make continuing payment of installments on the fine or restitution a condition of probation.

c. The defendant shall pay a fine or any installment thereof to the officer entitled by law to collect the fine. In the event of default in payment, such agency shall take appropriate action for its collection.

Source: N. J. S. 2A:168–2; Model Penal Code: 302.1.

C. 2C:46-2 Consequences of Nonpayment; Summary Collection.

2C:46–2. Consequences of Nonpayment; Summary Collection. a. When a defendant sentenced to pay a fine or make restitution defaults in the payment thereof or of any installment, the court, upon the motion of the person authorized by law to collect the fine or restitution, the motion of the prosecutor or upon its own motion, may recall him, or issue a summons or a warrant of arrest for his appearance. After a hearing, the court may reduce the fine or restitution, suspend it, or modify the payment or installment plan, or, if none of these alternatives is warranted, may impose a term of imprisonment to achieve the objective of the sentence. The term of imprisonment in such case shall be specified in the order of commitment. It need not be equated with any particular dollar amount but it shall not exceed 1 day for each $20.00 of the fine nor 40 days if the fine was imposed upon conviction of a disorderly persons offense nor 25 days for a petty disorderly persons offense nor 1 year in any other case, whichever is the shorter period. In no case shall the total period of imprisonment in the case of a disorderly persons offense for both the sentence of imprisonment and for failure to pay a fine exceed 6 months. When a fine is imposed on a corporation, it is the duty of the person or persons authorized to make disbursements from the assets of the corporation or association to pay it from such assets and their failure so to do may be held to be contumacious.

b. Upon any default in the payment of a fine, a restitution, or any installment thereof, execution may be levied and such other

measures may be taken for collection of it or the unpaid balance thereof as are authorized for the collection of an unpaid civil judgment entered against the defendant in an action on a debt.

Source: N. J. S. 2A:166–11; 2A:166–14; Model Penal Code: 302.2.

C. 2C:46-3 Revocation of Fine.

2C:46–3. Revocation of Fine. A defendant who has been sentenced to pay a fine may at any time petition the court which sentenced him for a revocation of the fine or of any unpaid portion thereof. If it appears to the satisfaction of the court that the circumstances which warranted the imposition of the fine have changed, or that it would otherwise be unjust to require payment, the court may revoke the fine or the unpaid portion thereof in whole or in part.

Source: N. J. S. 2A:164–25; Model Penal Code: 302.3.

Chapter 47. Adult Diagnostic and Treatment Center.

Section

2C:47–1. Adult Diagnostic Center—Commitment—Examination.
2C:47–2. Referral.
2C:47–3. Examination.
2C:47–4. Treatment Arrangements.
2C:47–5. Parole.
2C:47–6. Compensation.
2C:47–7. Cost of Maintenance.

C. 2C:47-1 Adult Diagnostic Center—Commitment—Examination.

2C:47–1. Adult Diagnostic Center—Commitment—Examination. Whenever a person is convicted of the offense of aggravated sexual assault, sexual assault, or aggravated criminal sexual contact, or an attempt to commit any such crime, the judge shall order that such person be referred to the Adult Diagnostic and Treatment Center for such period as shall be necessary to complete a physical and psychological examination, said period of referral not to exceed 10 days. The referral order shall contain a determination of the person's legal settlement in accordance with subdivision D of article 3 of chapter 4 of Title 30 of the Revised Statutes.

Source: N. J. S. 2A:164–3 amended 1954, c. 151; 1954, c. 245, s. 1; 1957, c. 25; 1967, c. 274, s. 1.

C. 2C:47-2 Referral.

2C:47–2. Referral. Upon completion of the physical and psychological examination of such person, but in no event later than

30 days after the date of the order of referral, a written report of the results of the examination shall be sent to the court.

Source: N. J. S. 2A:164–4.

C. 2C:47-3 Examination.

2C:47–3. Examination. a. If the examination reveals that the offender's conduct was characterized by a pattern of repetitive, compulsive behavior, the court may, upon the recommendation of the Adult Diagnostic and Treatment Center, sentence the offender to the Center for a program of specialized treatment for his mental condition; provided, however, that no such person may be sentenced to the Adult Diagnostic and Treatment Center in the absence of such a finding that his conduct was characterized by a pattern of repetitive, compulsive behavior.

b. In the event that the court shall sentence a person as provided herein, the court shall notwithstanding set the sentence in accordance with Chapters 43 and 44 of this code.

c. In lieu of incarceration, the court may, upon the written report and recommendation of the Adult Diagnostic and Treatment Center, place such person on probation with the requirement, as a condition of such probation, that he receive outpatient psychological treatment in a manner to be prescribed in each individual case.

d. If it shall appear from the report of such examination made of such person that the offender's conduct was not characterized by a pattern of repetitive, compulsive behavior, the court shall not impose sentence on such person as provided by this chapter.

Source: N. J. S. 2A:164–5 amended 1956, c. 37; 1958, c. 161; 1967, c. 274, s. 2; 2A:164–6; 2A:164–9.

C. 2C:47-4 Treatment Arrangements.

2C:47–4. Treatment Arrangements. a. The Commissioner of the Department of Corrections, upon commitment of such person, shall provide for his treatment in the Adult Diagnostic and Treatment Center.

b. The commissioner may, in his discretion, order the transfer of a person sentenced under this chapter out of the Adult Diagnostic and Treatment Center. In the event of such a transfer the conditions of confinement and release of such person transferred shall no longer be governed by this chapter.

c. If, in the opinion of the commissioner, upon the written recommendation of the Special Classification Review Board continued

confinement is not necessary, he shall move before the sentencing court for modification of the sentence originally imposed.

Source: N. J. S. 2A:164-7.

C. 2C:47-5 Parole.

2C:47-5. Parole. Any person committed to confinement under the terms of this chapter shall be released under parole supervision when it shall appear to the satisfaction of the State Parole Board, after recommendation by a special classification review board appointed by the commissioner that such person is capable of making an acceptable social adjustment in the community. The Chief Executive Officer of the Adult Diagnostic and Treatment Center shall report in writing at least semiannually to the special classification review board concerning the physical and psychological condition of such person with a recommendation as to his continued confinement or consideration for release on parole. Any person paroled pursuant to this section shall be subject to the provisions of Title 30 of the Revised Statutes governing parole and the regulations promulgated pursuant thereto.

Source: N. J. S. 2A:164-8; 2A:164-12.

C. 2C:47-6 Compensation.

2C:47-6. Compensation. No statute relating to remission of sentence by way of commutation time for good behavior and for work performed shall apply to any person sentenced to the Adult Diagnostic and Treatment Center pursuant to this chapter, but provision shall be made for monetary compensation in amount to be established by the Commissioner of the Department of Corrections, in lieu of remission of sentence for work performed.

Source: N. J. S. 2A:164-10.

C. 2C:47-7 Cost of Maintenance.

2C:47-7. Cost of Maintenance. The Commissioner shall determine and fix the per capita cost of examining and maintaining any person transferred to the Adult Diagnostic and Treatment Center for examination, and the Adult Diagnostic and Treatment Center shall furnish a copy of the order of transfer to the county treasurer of the county in which the person has a legal settlement as determined in said order, and upon certification of the amount due, the board of chosen freeholders of the county shall make provision for payment of one-half of the cost thereof to the Adult Diagnostic and Treatment Center, the remaining one-half to be borne by the State. If the legal settlement in any county, the entire cost shall be borne by the State.

Source: N. J. S. 2A:164-11 amended 1954, c. 245.

CHAPTER 48. CRIMINAL DISPOSITION COMMISSION.

Section
2C:48–1. Composition.
2C:48–2. Duties.
2C:48–3. Powers.
2C:48–4. Reports.

C. 2C:48-1 Composition.

2C:48–1. Composition. There is hereby created a criminal Disposition Commission, consisting of ten 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, the Public Advocate or his designee, the Commissioner of the Department of Corrections or his designee and two public members to be appointed by the Governor. The legislature 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 3 years except that one of the initial appointments shall be for a term of 1 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.
Source: New.

C. 2C:48-2 Duties.

2C:48–2. Duties. It shall be the duty of the commission to study and review all aspects of the criminal justice system relating to the disposition of criminal offenders, including but not limited to terms of imprisonments, fines and other monetary punishments, parole, probation and supervisory treatment.
Source: New.

C. 2C:48-3 Powers.

2C:48–3. Powers. The commission shall be entitled to call to its assistance and avail itself of the services of such employees of the State and the political subdivisions thereof as it may require and

as may be available to it for said purpose, and to employ such professional, stenographic, and clerical assistants and incur such traveling and other miscellaneous expenses as it may deem necessary in order to perform its duties, and as may be within the limits of funds appropriated or otherwise made available to it for said purposes.

Source: New.

C. 2C:48-4 Reports.

2C:48-4. Reports. The commission shall file biannually with the Governor and the legislature a report containing its findings and recommendations concerning the disposition of criminal offenders.

Source: New.

CHAPTER 49. [RESERVED]

CHAPTER 50. [RESERVED]

CHAPTER 51. LOSS AND RESTORATION OF RIGHTS INCIDENT TO CONVICTION OF AN OFFENSE

Section

2C:51-1. Basis of Disqualification or Disability.
2C:51-2. Forfeiture of Public Office.
2C:51-3. Voting and Jury Service.
2C:51-4. Order Sealing Records of Arrest or Conviction; Effect of Order of Sealing.

C. 2C:51-1 Basis of Disqualification or Disability.

2C:51-1. Basis of Disqualification or Disability. a. No person shall suffer any legal disqualification or disability because of his conviction of an offense or his sentence on such conviction, unless the disqualification or disability involves the deprivation of a right or privilege which is:

(1) Necessarily incident to execution of the sentence of the court;

(2) Provided by the Constitution or the code;

(3) Provided by a statute other than the code, when the conviction is of an offense defined by such statute; or

(4) Provided by the judgment, order or regulation of a court, agency or official exercising a jurisdiction conferred by law, or by the statute defining such jurisdiction, when the commission of the offense or the conviction or the sentence is reasonably related to the competency of the individual to exercise the right or privilege of which he is deprived.

b. Proof of a conviction as relevant evidence upon the trial or determination of any issue, or for the purpose of impeaching the convicted person as a witness is not a disqualification or disability within the meaning of this chapter.

Source: Model Penal Code: 306.1.

C. 2C:51-2 Forfeiture of Public Office.

2C:51–2. Forfeiture of Public Office. a. A person holding any public office, position, or employment, elective or appointive, under the government of this State or any agency or political subdivision thereof, who is convicted of an offense shall forfeit such office or position if:

(1) He is convicted under the laws of this State of an offense involving dishonesty or of a crime of the third degree or above or under the laws of another state or of the United States of an offense or a crime which, if committed in this State, would be such an offense or crime;

(2) He is convicted of an offense involving or touching such office, position or employment; or

(3) The Constitution or a statute other than the code so provides.

b. The forfeiture set forth in subsection a. shall take effect:

(1) Upon finding of guilt by the trier of fact or a plea of guilty, if the court so orders; or

(2) Upon sentencing unless the court for good cause shown, orders a stay of such forfeiture. If the conviction be reversed, he shall be restored, if feasible, to his office, position or employment with all the rights, emoluments and salary thereof from the date of forfeiture.

c. In addition to the punishment prescribed for the offense, and the forfeiture set forth in 2C:51–2 a., any person convicted of an offense involving or touching on his public office, position or employment shall be forever disqualified from holding any office or position of honor, trust or profit under this State or any of its administrative or political subdivisions.

d. Except as may otherwise be ordered by the Attorney General as the public need may require, any person convicted of an offense under sections 2C:27–2, 2C:27–4, 2C:27–6, 2C:27–7, 2C:27–8, 2C:29–4, 2C:30–2, or 2C:30–3 of this Title shall be ineligible, either directly or indirectly, to submit a bid, enter into any contract, or to conduct any business with any board, agency, authority, department, commission, public corporation, or other body of this State, of this or one or more other states, or of one or more political

subdivisions of this State for a period of, but not more than, 10 years from the date of conviction for a crime of the second degree, or 5 years from the date of conviction for a crime of the third degree. It is the purpose of this subsection to bar any individual convicted of any of the above enumerated offenses and any business, including any corporation, partnership, association or proprietorship in which such individual is a principal, or with respect to which such individual owns, directly or indirectly, or controls 5% or more of the stock or other equity interest of such business, from conducting business with public entities.

The Secretary of State shall keep and maintain a list of all corporations barred from conducting such business pursuant to this section.

Source: N. J. S. 2A:93–5 amended 1977, c. 214, s. 3; Model Penal Code: 306.2.

C. 2C:51-3 Voting and Jury Service.

2C:51–3. Voting and Jury Service. A person who is convicted of a crime shall be disqualified

a. From voting in any local or municipal primary or general election if and only so long as he is committed under a sentence of imprisonment; and

b. From serving as a juror until he has satisfied his sentence and, in the case of a conviction of a crime, for a period of 5 years thereafter.

Source: R. S. 19:4–1 amended 1948, c. 438, s. 3; 1955, c. 156; 1957, c. 205; 1959, c. 127, s. 1; 1964, c. 7, s. 1; 1971, c. 280; N. J. S. 2A:69–1 amended 1953, c. 98; 1964, c. 44; Model Penal Code: 306.3.

C. 2C:51-4 Order Sealing Records of Arrest or Conviction; Effect of Order of Sealing.

2C:51–4. Order Sealing Records of Arrest or Conviction; Effect of Order of Sealing. a. Any person who has been arrested for a crime or offense and against whom proceedings were dismissed, or who was discharged without a conviction, or who was acquitted, may at any time following the dismissal of proceedings, or the discharge without a conviction, or the acquittal, present a duly verified petition to the court in which the judgment of acquittal, discharge or dismissal was entered, or, if there were no court proceedings, to the court in whose jurisdiction the arrest occurred, setting forth all the facts in the matter and praying for the relief provided by this subsection.

(1) Upon the filing of a petition pursuant to this act the court may by order fix a time, not less than 15 nor more than 45 days thereafter, for the hearing of the matter. A copy of this order shall be served pursuant to the Rules of Court upon the Attorney General, upon the prosecutor of the county wherein the court is located, upon the chief of police or other executive head of the police department of the municipality in which the arrest occurred, and upon the chief law enforcement officer of any other law enforcement agency of this State which participated in the arrest, within 5 days from the date of the order.

(2) At the time so appointed the court shall hear the matter and if no compelling public interest in denying said expungement can be shown by substantial and convincing evidence, an order shall be granted directing the clerk of the court, and the parties upon whom notice was served to expunge from their records all evidence of said arrest including evidence of detection relating thereto, and that the person arrested shall be forthwith relieved from any disabilities as may have otherwise existed by reason thereof. Thereafter, the arrest and any proceedings relating thereto shall be deemed not to have occurred, and the petitioner may answer accordingly any question relating to their occurrence. In response to requests for information or records on the person who was arrested, the law enforcement officers and departments shall reply, with respect to the arrests and proceedings which are the subject of the order, that there is no record.

(3) For services performed under this act the same fees shall be taxed as are usual for like service in other matters, which fees shall be payable by the petitioner; unless said petitioner is indigent, whereby the fees shall be waived and legal counsel appointed to represent him.

(4) As used in this subsection:

(a) "Expunge" means the destruction, erasure, obliteration, or blotting out of all records relating to an arrest.

(b) "Arrest record" means records, references, data or documents (including fingerprints) compiled by law enforcement agencies for purposes of identifying alleged criminal offenders or maintaining summaries of arrest and the nature and disposition of criminal charges arising out of such arrest.

(5) This subsection shall apply to arrests which occurred prior to and which occur after enactment of this act.

b. In all cases wherein a person has been found guilty of an offense, it shall be lawful after the lapse of 5 years from the date of

final discharge or termination of sentence for the person to present a duly verified petition to the County Court of the county in which the conviction was entered, setting forth all the facts in the matter and praying for the relief provided for in this subsection.

(1) Upon reading and filing such petition the court may by order fix a time, not less than 10 or more than 30 days thereafter, for the hearing of the matter, a copy of which order shall be served in the usual manner, within 5 days from its date, upon the county prosecutor and upon the chief of police or other executive head of the police department of the municipality wherein the offense was committed and, if the conviction was entered in a municipal court, upon the judge of that court. At the time so appointed the court shall hear the matter and if no material objection is made and no reason appears to the contrary, an order may be granted directing the clerk of the court wherein such conviction was entered to expunge from the records all evidence of said conviction and that the person against whom such conviction was entered shall be forthwith thereafter relieved from such disabilities as may have existed by reason thereof. A denial of such an order shall be appealable by the petitioner and the burden of proof for sustaining the denial shall lay upon the State.

(2) If within 5 years, following final discharge or termination of sentence from a conviction of a disorderly persons offense, an order expunging the record of conviction has not been granted, and no subsequent criminal conviction has occurred, the court shall enter such an order on the motion of the ex-offender.

(3) The term "expunge" as used in this subsection refers to the destruction, erasure, obliteration, or blotting out of all records and index entries relating to an arrest and conviction of a disorderly persons offense.

c. In all cases wherein a person has been convicted of a crime or offense, the person so convicted may petition the court wherein such conviction was entered for an order annulling and sealing the record of such conviction after termination of probation or parole supervision or after final discharge or release from any term of imprisonment. He may present such petition in person, by an attorney, or by a probation or parole officer and the expenses coincident with this petition shall be borne by the State.

The court shall explicitly state in writing any reasons for not granting an order of annulment and sealing. A denial of such an order shall be appealable by the petitioner and the burden of proof for sustaining the denial shall lay upon the State.

(1) Departments of probation, parole, or corrections exercising supervision or custody over any convicted person shall inform such person in writing of the completion of probation, parole or imprisonment, and the termination of supervision or custody. Information concerning annulment and sealing rights shall, in nontechnical and clearly understandable language, be included in this written communication.

(2) If within 10 years, following termination of probation or parole and after final discharge from imprisonment or mandatory release, an order annulling and sealing the record of conviction has not occurred, and no subsequent criminal conviction has occurred, the court shall enter such an order on the motion of the ex-offender. The court shall notify the person whose record has been annulled and sealed, of its effect on his or her legal status.

(3) Upon the entry of an order to annul and seal a record of criminal conviction, the petitioner shall be released from all penalties and disabilities resulting from the offense or crime of which he has been convicted. In any subsequent prosecution of such defendant, such prior conviction shall have the same effect as if it had not been annulled. Nothing in this act shall affect any right of the offender to appeal from his or her conviction or to rely on it in bar of any subsequent proceeding for the same offense.

(4) Upon granting of the motion to annul the petitioner's conviction the court shall order the criminal records of the petitioner physically sealed and removed to a separate location and maintained in a confidential status. The court shall notify local and State law enforcement agencies and the Federal Bureau of Investigation of the order annulling and sealing the conviction. This notification shall direct these agencies not to divulge and release information about the conviction except as otherwise provided in this act. Upon receipt of this notification, these agencies shall take whatever action is necessary to ensure compliance with this order and shall then notify the court that action has been taken. The court shall supervise this action and response and may hold in contempt of court anyone failing to abide by its order.

(5) Except under the following circumstances the court's motion and receipt of such a notice shall thereafter prohibit the court and law enforcement agencies from divulging the record of conviction or fact of annulling and sealing:

(a) Inquiries received from another court of law;

(b) Inquiries from an agency preparing a presentence report for another court;

(c) Inquiries from law enforcement agencies where the request for information is related to the investigation of a crime or a position within that agency; and

(d) Inquiries from an agency considering the person for a position immediately and directly affecting the national security. The term "national security" does not include regular military service.

(6) Information about an annulled conviction may not otherwise be released. Responses to inquiries concerning a record of criminal conviction, shall not be different from responses made about persons who have no criminal records. In any application, interview, or other form of evaluation process for employment, bonding or any civil right privilege, with only the exceptions enumerated in this section, a person may be questioned about previous conviction of a crime only in language such as the following:

"Have you ever been convicted of a crime which has not been annulled or sealed by a court?"

Source: C. 2A:85-15 (1973, c. 191, s. 1 amended 1975, c. 47); C. 2A:85-16 to 2A:85-23 (1973, c. 191, ss. 2-9); N. J. S. 2A:164-28 amended 1975, c. 383; C. 2A:169-11 (1968, c. 279); Model Penal Code: 306.6.

CHAPTER 52. [RESERVED]

CHAPTER 53. [RESERVED]

CHAPTER 54. [RESERVED]

CHAPTER 55. [RESERVED]

CHAPTER 56. [RESERVED]

CHAPTER 57. [RESERVED]

CHAPTER 58. LICENSING AND OTHER PROVISIONS RELATING TO FIREARMS

Section

2C:58-1. Registration of Manufacturers and Wholesale Dealers of Firearms.
2C:58-2. Retailing of Firearms.
2C:58-3. Purchase of Firearms.

Section
2C:58–4. Permits to Carry Handguns.
2C:58–5. Licenses to Possess and Carry Machine Guns.
2C:58–6. Limited Licenses to Carry Firearms by Minors.
2C:58–7. Persons Possessing Explosives or Destructive Devices to Notify Police.
2C:58–8. Certain Wounds to Be Reported.
2C:58–9. Certain Convictions to Be Reported.
2C:58–10. Incendiary or Tracer Ammunition.
2C:58–11. Property Rights in Weapons; Forfeiture.

C. 2C:58-1 Registration of Manufacturers and Wholesale Dealers of Firearms.

2C:58–1. Registration of Manufacturers and Wholesale Dealers of Firearms. a. Registration. Every manufacturer and wholesale dealer of firearms shall register with the superintendent as provided in this section. No person shall engage in the business of, or act as a manufacturer or wholesale dealer of firearms, or manufacture or sell at wholesale any firearm, until he has so registered.

Applications for registration shall be made on such forms as shall be prescribed by the superintendent, and the applicant shall furnish such information and other particulars as may be prescribed by law or by any rules or regulations promulgated by the superintendent. Each application for registration or renewal shall be accompanied by a fee of $150.00.

The superintendent shall prescribe standards and qualifications for the registration of manufacturers and wholesalers of firearms, for the protection of the public safety, health and welfare. He shall refuse to register any applicant for registration unless he is satisfied that the applicant can be permitted to engage in business as a manufacturer or wholesale dealer of firearms without any danger to the public safety, health or welfare.

The superintendent shall issue a certificate of registration to every person registered under this section, and such certificate shall be valid for a period of 3 years from the date of issuance.

b. Wholesale dealer's agent. Every registered wholesale dealer of firearms shall cause each of his agents or employees actively engaged in the purchase or sale of firearms to be licensed with the superintendent as a wholesale dealer's agent. Applications for agents' licenses shall be submitted on such forms as shall be prescribed by the superintendent, and shall be signed by the registered wholesale dealer and by the agent. Each application shall be accompanied by a fee of $5.00, and each license shall be valid for so

long as the agent or employee remains in the employ of the wholesale dealer and the wholesale dealer remains validly registered under this section. The superintendent shall prescribe standards and qualifications for licensed wholesale dealers' agents, for the protection of the public safety, health and welfare.

c. Revocation of certificate of registration or license. The superintendent may, after reasonable notice to all affected parties and a hearing if requested, revoke any certificate of registration or agent's license if he finds that the registered or licensed person is no longer engaged in the business of manufacturing or wholesaling firearms in this State or that he can no longer be permitted to carry on such business without endangering the public safety, health or welfare. A certificate or license may be canceled at any time at the request of the registered or licensed person.

d. Appeals. Any person aggrieved by the refusal of the superintendent to register him as a manufacturer or wholesale dealer or a wholesale dealer's agent, or by revocation of his certificate or license, may appeal to the Appellate Division of the Superior Court.

e. Records of Sales. Every manufacturer and wholesale dealer shall keep a detailed record of each firearm sold by him. The record shall include the date of sale, the name and address of the purchaser, a description of each firearm and the serial number thereof. The records shall be available for inspection at all reasonable times by any law enforcement officer.

Source: N. J. S. 2A:151–19 amended 1966, c. 60, s. 16; 1971, c. 282, s. 1; 2A:151–20 and 2A:151–21; 2A:151–22 amended 1966, c. 60, s. 17.

C. 2C:58-2 Retailing of Firearms.

2C:58–2. Retailing of Firearms. a. Licensing of retail dealers and their employees. No retail dealer of firearms nor any employee of a retail dealer shall sell or expose for sale, or possess with the intent of selling, any firearm unless licensed to do so as hereinafter provided. The superintendent shall prescribe standards and qualifications for retail dealers of firearms and their employees for the protection of the public safety, health and welfare.

Applications shall be made in the form prescribed by the superintendent, accompanied by a fee of $50.00 payable to the superintendent, and shall be made to a judge of the county court in the county where the applicant maintains his place of business. The judge shall grant a license to an applicant if he finds that the applicant meets the standards and qualifications established by the

superintendent and that the applicant can be permitted to engage in business as a retail dealer of firearms or employee thereof without any danger to the public safety, health and welfare. Each license shall be valid for a period of 3 years from the date of issuance, and shall authorize the holder to sell firearms at retail in a specified municipality.

In addition, every retail dealer shall pay a fee of $5.00 for each employee actively engaged in the sale or purchase of firearms. The superintendent shall issue a license for each employee for whom said fee has been paid, which license shall be valid for 3 years or so long as the employee remains in the employ of said retail dealer if such period is less than 3 years.

No license shall be granted to any person under the age of 18 years or to any person who could not qualify to obtain a permit to purchase a handgun or a firearms purchaser identification card, or to any corporation, partnership or other business organization in which an actual or equitable controlling interest is held or possessed by such an ineligible person.

All licenses shall be granted subject to the following conditions, for breach of any of which the license shall be subject to revocation on the application of any law enforcement officer and after notice and hearing by the issuing court:

(1) The business shall be carried on only in the building or buildings designated in the license, provided that repairs may be made by the dealer or his employees outside of such premises.

(2) The license or a copy certified by the issuing authority shall be displayed at all times in a conspicuous place on the business premises where it can be easily read.

(3) No firearm or imitation thereof shall be placed in any window or in any other part of the premises where it can be readily seen from the outside.

(4) No rifle or shotgun shall be delivered to any person unless such person possesses and exhibits a valid firearms purchaser identification card and furnishes the seller, on the form prescribed by the superintendent, a certification signed by him setting forth his name, permanent address, firearms purchaser identification card number and such other information as the superintendent may by rule or regulation require. The certification shall be retained by the dealer and shall be made available for inspection by any law enforcement officer at any reasonable time.

(5) No handgun shall be delivered to any person unless:

(a) Such person possesses and exhibits a valid permit to purchase a firearm and at least 7 days have elapsed since the date of application for the permit;

(b) The person is personally known to the seller or presents evidence of his identity; and

(c) The handgun is unloaded and securely wrapped.

(6) The dealer shall keep a true record of every handgun sold, given or otherwise delivered or disposed of, in accordance with the provisions of subsections b. through e. of this section.

b. Records. Every person engaged in the retail business of selling, leasing or otherwise transferring a handgun, as a retail dealer or otherwise, shall keep a register in which shall be entered the time of the sale, lease or other transfer, the date thereof, the name, age, date of birth, complexion, occupation, residence and a physical description including distinguishing physical characteristics, if any, of the purchaser, lessee or transferee, the name and permanent home address of the person making the sale, lease or transfer, the place of the transaction, and the make, model, manufacturer's number, caliber and other marks of identification on such handgun and such other information as the superintendent shall deem necessary for the proper enforcement of this chapter. The register shall be retained by the dealer and shall be made available at all reasonable hours for inspection by any law enforcement officer.

c. Forms of register. The superintendent shall prepare the form of the register as described in subsection b. of this section and furnish the same in triplicate to each person licensed to be engaged in the business of selling, leasing or otherwise transferring firearms.

d. Signatures on register. The purchaser, lessee or transferee of any handgun shall sign, and the dealer shall require him to sign his name to the register, in triplicate, and the person making the sale, lease or transfer shall affix his name, in triplicate, as a witness to the signature. The signatures shall constitute a representation of the accuracy of the information contained in the register.

e. Copies of register entries; delivery to chief of police or county clerk. Within 5 days of the date of the sale, assignment or transfer, the dealer shall deliver or mail by certified mail, return receipt requested, to the office of the chief of police of the municipality in which the purchaser resides, or to the office of the captain of the precinct of the municipality in which the purchaser resides, and

to the superintendent, legible copies of the register forms. If hand delivered a receipt shall be given to the dealer therefor.

Where a sale, assignment or transfer is made to a purchaser who resides in a municipality having no chief of police, the dealer shall, within 5 days of the transaction, mail a duplicate copy of the register sheet to the clerk of the county within which the purchaser resides.

Source: N. J. S. 2A:151–24 amended 1966, c. 60, s. 18; 1971, c. 282, s. 2; 1973, c. 264; 2A:151–25 amended 1966, c. 60, s. 19; 2A:151–26 amended 1966, c. 60, s. 20; 2A:151–27 amended 1966, c. 60, s. 21; 2A:151–28 amended 1966, c. 60, s. 22.

C. 2C:58-3 Purchase of Firearms.

2C:58–3. Purchase of Firearms. a. Permit to Purchase a Handgun. No person shall sell, give, transfer, assign or otherwise dispose of, nor receive, purchase, or otherwise acquire a handgun unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter or has first secured a permit to purchase a handgun as provided by this section.

b. Firearms purchaser identification card. No person shall sell, give, transfer, assign or otherwise dispose of nor receive, purchase or otherwise acquire a rifle or shotgun unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter or possesses a valid firearms purchaser identification card, and first exhibits said card to the seller, donor, transferor or assignor, and unless the purchaser, assignee, donee, receiver or holder signs a written certification, on a form prescribed by the superintendent, which shall indicate that he presently complies with the requirements of subsection c. of this section and shall contain his name, address and firearms purchaser identification card number or dealer's registration number. The said certification shall be retained by the seller, as provided in section 2C:58–2 a., or, in the case of a person who is not a dealer, it may be filed with the chief of police of the municipality in which he resides or with the superintendent.

c. Who may obtain. No person of good character and good repute in the community in which he lives, and who is not subject to any of the disabilities set forth in this section or other sections of this chapter, shall be denied a permit to purchase a handgun or a firearms purchaser identification card, except as hereinafter set forth. No handgun purchase permit or firearms purchaser identification card shall be issued:

(1) To any person who has been convicted in this State of a crime, whether or not armed with or possessing a weapon at the time of such offense;

(2) To any drug dependent person as defined in P. L. 1970, c. 226 (C. 24:21-2), to any person who is confined for a mental disorder to a hospital, mental institution or sanitarium, or to any person who is presently an alcoholic or an habitual drunkard;

(3) To any person who suffers from a physical defect or disease which would make it unsafe for him to handle firearms unless he produces a certificate of a medical doctor or psychiatrist licensed in New Jersey, or other satisfactory proof, that he is no longer suffering from that particular disability in such a manner that would interfere with or handicap him in the handling of firearms; to any person who knowingly falsifies any information on the application forms for a handgun purchase permit or firearms purchaser identification card;

(4) To any person under the age of 18 years; or

(5) To any person where the issuance would not be in the interest of the public health, safety or welfare.

d. Issuance. The chief of police of an organized full-time police department of the municipality where the applicant resides or the superintendent, in all other cases, shall upon application, issue to any person qualified under the provisions of subsection c. of this section a permit to purchase a handgun or a firearms purchaser identification card.

Any person aggrieved by the denial of a permit or identification card may request a hearing in the County Court of the county in which he resides if he is a resident of New Jersey or in the County Court of the county in which his application was filed if he is a nonresident. The request for a hearing shall be made in writing within 30 days of the denial of the application for a permit or identification card. The applicant shall serve a copy of his request for a hearing upon the chief of police of the municipality in which he resides, if he is a resident of New Jersey, and upon the superintendent in all cases. The hearing shall be held and a record made thereof within 30 days of the receipt of the application for such hearing by the judge of the county court. No formal pleading and no filing fee shall be required as a preliminary to such hearing. Appeals from the results of such hearing shall be in accordance with law.

e. Applications. Applications for permits to purchase a handgun and for firearms purchaser identification cards shall be in the form

prescribed by the superintendent and shall set forth the name, residence, place of business, age, date of birth, occupation, sex and physical description, including distinguishing physical characteristics, if any, of the applicant, and shall state whether the applicant is a citizen, whether he is an alcoholic, habitual drunkard, drug dependent person as defined in P. L. 1970, c. 226 (C. 24:21-2) whether he has ever been confined or committed to a mental institution or hospital for treatment or observation of a mental or psychiatric condition on a temporary, interim or permanent basis, giving the name and location of the institution or hospital and the dates of such confinement or commitment, whether he has been attended, treated or observed by any doctor or psychiatrist or at any hospital or mental institution on an inpatient or outpatient basis for any mental or psychiatric condition giving the name and location of the doctor, psychiatrist, hospital or institution and the dates of such occurrence, whether he presently or ever has been a member of any organization which advocates or approves the commission of acts of force and violence to overthrow the Government of the United States or of this State, or which seeks to deny others their rights under the Constitution of either the United States or the State of New Jersey, whether he has ever been convicted of a crime or disorderly persons offense, and such other information as the superintendent shall deem necessary for the proper enforcement of this chapter. The application shall be signed by the applicant and shall contain as reference the names and addresses of two reputable citizens personally acquainted with him.

Application blanks shall be obtainable from the superintendent, from any other officer authorized to grant such permit or identification card, and from licensed retail dealers.

The chief police officer or the superintendent shall obtain the fingerprints of the applicant and shall have them compared with any and all records of fingerprints in the municipality and county in which the applicant resides and also the records of the State Bureau of Identification and the Federal Bureau of Investigation, provided that an applicant for a handgun purchase permit who possesses a valid firearms purchaser identification card, or who has previously obtained a handgun purchase permit from the same licensing authority for which he was previously fingerprinted, and who provides other reasonably satisfactory proof of his identity, need not be fingerprinted again; however, the chief police officer or the superintendent shall proceed to investigate the application

to determine whether or not the applicant has become subject to any of the disabilities set forth in this chapter.

f. Granting of permit or identification card; fee; term; renewal; revocation. The application for the permit to purchase a handgun together with a fee of $2.00, or the application for the firearms purchase identification card together with a fee of $5.00, shall be delivered or forwarded to the licensing authority who shall investigate the same and, unless good cause for the denial thereof appears, shall grant the permit or the identification card, or both, if application has been made therefor, within 30 days from the date of receipt of the application for residents of this State and within 45 days for nonresident applicants. A permit to purchase a handgun shall be valid for a period of 90 days from the date of issuance and may be renewed by the issuing authority for good cause for an additional 90 days. A firearms purchaser identification card shall be valid until such time as the holder becomes subject to any of the disabilities set forth in subsection c. of this section, whereupon the card shall be void and shall be returned within 5 days by the holder to the superintendent, who shall then advise the licensing authority. Failure of the holder to return the firearms purchaser identification card to the superintendent within the said 5 days shall be an offense under section 2C:39–10 a. Any firearms purchaser identification card may be revoked by the County Court of the county wherein the card was issued, after hearing upon notice, upon a finding that the holder thereof no longer qualifies for the issuance of such permit. The county prosecutor of any county, the chief police officer of any municipality or any citizen may apply to such court at any time for the revocation of such card.

There shall be no conditions or requirements added to the form or content of the application, or required by the licensing authority for the issuance of a permit or identification card, other than those that are specifically set forth in this chapter.

g. Disposition of fees. All fees for permits shall be paid to the State Treasury if the permit is issued by the superintendent, to the municipality if issued by the chief of police, and to the county treasurer if issued by the judge of the county court.

h. Form of permit; quadruplicate; disposition of copies. The permit shall be in the form prescribed by the superintendent and shall be issued to the applicant in quadruplicate. Prior to the time he receives the handgun from the seller, the applicant shall deliver to the seller the permit in quadruplicate and the seller shall complete all of the information required on the form. Within 5 days of

the date of the sale, the seller shall forward the original copy to the superintendent and the second copy to the chief of police of the municipality in which the purchaser resides, except that in a municipality having no chief of police, such copy shall be forwarded to the superintendent. The third copy shall then be returned to the purchaser with the pistol or revolver and the fourth copy shall be kept by the seller as a permanent record.

i. Restriction on number of firearms person may purchase. Only one handgun shall be purchased or delivered on each permit, but a person shall not be restricted as to the number of rifles or shotguns he may purchase, provided he possesses a valid firearms purchaser identification card and provided further that he signs the certification required in subsection b. of this section for each transaction.

j. Firearms passing to heirs or legatees. Notwithstanding any other provision of this section concerning the transfer, receipt or acquisition of a firearm, a permit to purchase or a firearms purchaser identification card shall not be required for the passing of a firearm upon the death of an owner thereof to his heir or legatee, whether the same be by testamentary bequest or by the laws of intestacy. The person who shall so receive or acquire said firearm shall, however, be subject to all other provisions of this chapter, and if the heir or legatee of such firearm does not qualify to possess or carry it, the firearm may be possessed by him for the purpose of sale for a period not exceeding 180 days, or for such further limited period as may be approved by the chief law enforcement officer of the municipality in which the heir or legatee resides or the superintendent.

k. Sawed-off shotguns. Nothing in this section shall be construed to authorize the purchase or possession of any sawed-off shotgun.

Source: N. J. S. 2A:151–32 amended 1954, c. 67; 1966, c. 60, s. 25; 2A:151–33 amended 1966, c. 60, s. 26; 1973, c. 174, s. 2; 2A:151–34 amended 1966, c. 60, s. 27; 2A:151–35 amended 1966, c. 60, s. 28; 2A:151–36 amended 1966, c. 60, s. 29; 2A:151–37; 2A:151–38 amended 1966, c. 60, s. 30; 2A:151–39 amended 1966, c. 60, s. 31; 2A:151–45 amended 1959, c. 32; 1966, c. 60, s. 38.

C. 2C:58-4 Permits to Carry Handguns.

2C:58–4. Permits to Carry Handguns. a. Scope and duration of authority. Any person who holds a valid permit to carry a handgun issued pursuant to this section shall be authorized to carry a handgun in all parts of this State, except as prohibited by section 2C:39–5 e. One permit shall be sufficient for all handguns owned

by the holder thereof, but the permit shall apply only to a handgun carried by the actual and legal holder of the permit.

All permits to carry handguns shall expire on December 31 of the year in which they were issued, and they may thereafter be renewed annually in the same manner and subject to the same conditions as in the case of original applications.

b. Application forms. All applications for permits to carry handguns, and all applications for renewal of such permits, shall be made on the forms prescribed by the superintendent. Each application shall set forth the full name, date of birth, sex, residence, occupation, place of business or employment, and physical description of the applicant, and such other information as the superintendent may prescribe for the determination of the applicant's eligibility for a permit and for the proper enforcement of this chapter. The application shall be signed by the applicant under oath, and shall be indorsed by three reputable persons who have known the applicant for at least 3 years preceding the date of application, and who shall certify thereon that the applicant is a person of good moral character and behavior.

c. Investigation and approval. Each application shall in the first instance be submitted to the chief police officer of the municipality in which the applicant resides, or to the superintendent, if there is no chief police officer in the municipality where the applicant resides or if the applicant does not reside in this State. The chief police officer, or the superintendent, as the case may be, shall cause the fingerprints of the applicant to be taken and compared with any and all records maintained by the municipality, the county in which it is located, the State Bureau of Identification and the Federal Bureau of Identification. He shall also determine and record a complete description of each handgun the applicant intends to carry.

No application shall be approved by the chief police officer or the superintendent unless the applicant demonstrates that he is not subject to any of the disabilities set forth in 2C:58–3 c., that he is thoroughly familiar with the safe handling and use of handguns, and that he has a justifiable need to carry a handgun. If the application is not approved by the chief police officer or the superintendent within 60 days of filing, it shall be deemed to have been approved, unless the applicant agrees to an extension of time in writing.

d. Issuance by County Court; fee. If the application has been approved by the chief police officer or the superintendent, as the

case may be, the applicant shall forthwith present it to the County Court of the county in which the applicant resides, or to the County Court in any county where he intends to carry a handgun, in the case of a nonresident. The court shall issue the permit to the applicant if, but only if, it is satisfied that the applicant is a person of good character who is not subject to any of the disabilities set forth in section 2C:58–3 c., that he is thoroughly familiar with the safe handling and use of handguns, and that he has a justifiable need to carry a handgun. The court may at its discretion issue a limited-type permit which would restrict the applicant as to the types of firearms he may carry and where and for what purposes such firearms may be carried. At the time of issuance, the applicant shall pay to the county clerk of the county where the permit was issued a permit fee of $10.00.

e. Appeals from denial of applications. Any person aggrieved by the denial by the chief police officer or the superintendent of approval for a permit to carry a handgun may request a hearing in the County Court of the county in which he resides or of any county in which he intends to carry a handgun, in the case of a nonresident, by filing a written request for such a hearing within 30 days of the denial. Copies of the request shall be served upon the superintendent, the county prosecutor and the chief police officer of the municipality where the applicant resides, if he is a resident of this State. The hearing shall be held within 30 days of the filing of the request, and no formal pleading or filing fee shall be required. Appeals from the determination at such a hearing shall be in accordance with law and the rules governing the courts of this State.

If the superintendent or chief police officer approves an application and the County Court denies the application and refuses to issue a permit, the applicant may appeal such denial in accordance with law and the rules governing the courts of this State.

f. Revocation of permits. Any permit issued under this section shall be void at such time as the holder thereof becomes subject to any of the disabilities set forth in section 2C:58–3 c., and the holder of such a void permit shall immediately surrender the permit to the superintendent who shall give notice to the licensing authority.

Any permit may be revoked by the County Court which issued it, after hearing upon notice to the holder, if the court finds that the holder is no longer qualified for the issuance of such a permit. The county prosecutor of any county, the chief police officer of any municipality, the superintendent or any citizen may apply to the

court at any time for the revocation of any permit issued pursuant to this section.

Source: N. J. S. 2A:151–44 amended 1966, c. 60, s. 35; C. 2A:151–44.1 and 2A:151–44.2 (1966, c. 60, ss. 36, 37); N. J. S. 2A:151–45 amended 1959, c. 32; 1966, c. 60, s. 38.

C. 2C:58-5 Licenses to Possess and Carry Machine Guns.

2C:58–5. Licenses to Possess and Carry Machine Guns. a. Any person who desires to purchase, possess and carry a machine gun in this State may apply for a license to do so by filing in the County Court of the county in which he resides, or conducts his business if a nonresident, a written application setting forth in detail his reasons for desiring such a license. The County Court shall refer the application to the county prosecutor for investigation and recommendation. A copy of the prosecutor's report, together with a copy of the notice of the hearing on the application, shall be served upon the superintendent, the county sheriff, and the chief police officer of every municipality in which the applicant intends to carry the machine gun, unless, for good cause shown, the court orders notice to be given wholly or in part by publication.

b. No license shall be issued to any person who would not qualify for a permit to carry a handgun under section 2C:58–4, and no license shall be issued unless the court finds that the public safety and welfare so require. Any person aggrieved by the decision of the court in granting or denying an application, including the applicant, the prosecutor, or any law enforcement officer entitled to notice under subsection a. who appeared in opposition to the application, may appeal said decision in accordance with law and the rules governing the courts of this State.

c. Upon the issuance of any license under this section, true copies of such license shall be filed with the superintendent and the chief police officer of the municipality where the licensee resides or has his place of business.

d. In issuing any license under this section, the court shall attach thereto such conditions and limitations as it deems to be in the public interest. Unless otherwise provided by court order at the time of issuance, each license shall expire 1 year from the date of issuance, and may be renewed in the same manner and under the same conditions as apply to original applications.

e. Any license may be revoked by the County Court which issued it, after a hearing upon notice to the holder thereof, if the court finds that the holder is no longer qualified for the issuance of such

a license or that revocation is necessary for the public safety and welfare. Any citizen may apply to the court for revocation of a license issued under this section.

Source: N. J. S. 2A:151–52; 2A:151–53 amended 1966, c. 60, s. 41.

C. 2C:58-6 Limited Licenses to Carry Firearms by Minors.

2C:58–6. Limited Licenses to Carry Firearms by Minors. a. No person under the age of 18 may carry, fire or use any firearm in this State unless he possesses a valid limited permit to carry firearms. Any minor may obtain a limited permit to carry firearms by filing an application together with a fee of $3.00 with the chief of police of the municipality in which he resides or if there is no chief of police, with the superintendent. Such application shall be on a form to be prescribed by the superintendent and shall contain his name, residence, age, date of birth, sex and physical description, including distinguishing physical characteristics, if any, of the applicant. The application shall also state whether the minor has ever been adjudged delinquent as defined by P. L. 1973, c. 306, s. 3 (C. 2A:4–44), or otherwise adjudged guilty of a crime or disorderly persons offense. The form shall be signed by a parent or legal guardian of the minor and notarized.

b. No minor submitting a properly completed form shall be denied a limited permit to carry firearms unless he has previously been adjudged delinquent, or otherwise adjudged guilty of a crime or a disorderly persons offense; provided, however, that if the minor shall have obtained an order sealing the records of any such prior adjudications pursuant to P. L. 1973, c. 306, s. 26 (C. 2A:4–67), the existence of such records shall not be a bar under this section. The chief of police or the superintendent shall grant the permit.

c. Such limited permit to carry firearms shall be granted within 15 days of filing and shall be valid for a period of 1 year from the date of issuance or until the eighteenth birthday of the applicant, whichever shall come first, and may be renewed annually for a fee of $1.00. No additional application shall be required for renewal.

d. Any minor person aggrieved by a denial of application for a limited permit to carry firearms, may request a hearing and, thereafter, appeal, in the manner prescribed for denials of permits to purchase a handgun or firearms purchaser identification card by section 2C:58–3d.

e. Any minor person possessing a valid limited permit to carry firearms granted pursuant to this section and whose conduct is otherwise lawful under this chapter, may carry, fire or use a firearm only under the following circumstances:

(1) In the actual presence or under the direct supervision of his father, mother or guardian, or some other person who holds a permit to carry a handgun or a firearms purchaser identification card, as the case may be;

(2) For the purpose of military drill under the auspices of a legally recognized military organization and under competent supervision;

(3) For the purpose of competition or target practice in and upon a firing range approved by the governing body of the municipality in which the range is located or the National Rifle Association, and which is under competent supervision at the time of such competition or target practice;

(4) For the purpose of hunting during the regularly designated hunting season, provided that he possesses a valid hunting license and has successfully completed a hunter's safety course taught by a qualified instructor or conservation officer and carries in his possession a certificate indicating the successful completion of such a course.

f. Any person under the age of 18 who violates any provision of this section by carrying, firing or using any firearm, or who otherwise purchases, barters, acquires, exchanges or possesses any firearm shall be deemed a juvenile in need of supervision as defined in P. L. 1973, c. 306, s. 4 (C. 2A:4–45).

Source: N. J. S. 2A:151–11 amended 1966, c. 60, s. 10; 1967, c. 286, s. 2; 1968, c. 147, s. 2.

C. 2C:58-7 Persons Possessing Explosives or Destructive Devices to Notify Police.

2C:58–7. Persons Possessing Explosives or Destructive Devices to Notify Police. a. Any person who becomes the possessor of any explosive, destructive device, or ammunition therefor, which is or may be loaded or otherwise dangerous, except such as is possessed for any lawful commercial or other purpose in connection with which the use of explosives is authorized, shall within 15 days notify the police authorities of the municipality in which he resides or the State Police that the same is in his possession and shall present the same to them for inspection.

b. When any such ammunition, explosive or destructive device is presented for inspection it shall be inspected to ascertain whether or not it is loaded or of a dangerous character, and if it is found to be loaded or of dangerous character, it shall be destroyed or be unloaded or so processed as to remove its dangerous character before being returned to the possessor.

c. Any police officer having reasonable cause to believe that any person is possessed of any such ammunition, explosive, or destruc-

tive device shall investigate, under a proper search warrant when necessary, and shall seize the same for the purpose of inspection, unloading, processing or destruction, as provided in this section, and the same shall not be returned to the possessor thereof until it has been unloaded or so processed.

Source: N. J. S. 2A:170–17.

C. 2C:58-8 Certain Wounds to be Reported.

2C:58–8. Certain Wounds to be Reported. Every case of a wound, burn or any other injury arising from or caused by a firearm, destructive device, explosive or weapon shall be reported at once to the police authorities of the municipality where the person reporting is located or to the State Police by the physician consulted, attending or treating the case or the manager, superintendent or other person in charge, whenever such case is presented for treatment or treated in a hospital, sanitarium or other institution. This section shall not, however, apply to wounds, burns or injuries received by a member of the armed forces of the United States or the State of New Jersey while engaged in the actual performance of duty.

Source: C. 2A:170–25.7 (1959, c. 194).

C. 2C:58-9 Certain Convictions to be Reported.

2C:58–9. Certain Convictions to be Reported. Every conviction under any provision of chapter 39 of this code of a person who is not a citizen of the United States, shall be certified to the proper officer of the United States Government by the county prosecutor of the county in which such conviction was had, or by the Attorney General or his representative.

Source: N. J. S. 2A:151–17.

C. 2C:58-10 Incendiary or Tracer Ammunition.

2C:58–10. Incendiary or Tracer Ammunition. No incendiary or tracer type ammunition shall be discharged anywhere in this State except for law enforcement purposes by law enforcement officers in the course of their official duties or by members of legally recognized military organizations during the actual course of their official duties in or upon military establishments or ranges constructed or maintained for such purposes. Nonincendiary shotgun tracer ammunition may, however, be used on a trap or skeet field for target purposes. Nothing in this section shall prohibit the carrying or possession for distress signal purposes of flare type guns aboard boats or ships in open tidewater or upon aircraft.

Source: C. 2A:151–57.1 (1966, c. 60, s. 42).

C. 2C:58-11 Property Rights in Weapons; Forfeiture.

2C:58–11. Property Rights in Weapons; Forfeiture. No property right exists in firearms or other weapons unlawfully possessed, carried, acquired or used, and all such weapons are declared to be nuisances and forfeited to the State. When such forfeited weapons are taken from any person, they shall be surrendered to the sheriff of the county in which taken, or to the chief police officer of the municipality or to the office of the county prosecutor, and they may be disposed of when no longer needed for evidential purposes and after they have been inventoried and their disposition witnessed and recorded by the head of the agency having possession or his representative designated for this purpose. If any such weapons are found to be the legal property of an innocent owner prior to their disposition, they shall be returned to him if no longer needed for evidential purposes.

Source: N. J. S. 2A:151–16 amended 1966, c. 60, s. 14.

Chapter 59. [Reserved]

Chapter 60. [Reserved]

Chapter 61. [Reserved]

Chapter 62. Willful Nonsupport

Section

2C:62–1. Support Orders for Willful Nonsupport.

C. 2C:62-1 Support Orders for Willful Nonsupport.

2C:62–1. Support Orders for Willful Nonsupport. a. Order for support pendente lite. At any time after a sworn complaint is made charging an offense under section 2C:24–5 and before trial, the court may enter such temporary order as may seem just, providing for the support of the spouse or children, or both, pendente lite, and may punish a violation of such order as for contempt.

b. Order for future support; release on recognizance conditioned on obeying order; periodic service of sentence. Before trial, with the consent of the defendant, or after conviction, instead of imposing the penalty provided for violation of section 2C:24–5, or in addition thereto, the court, having regard to the circumstances and the financial ability or earning capacity of the defendant, may make an order, which shall be subject to change by the court from time to time as circumstances may require, directing the

defendant to pay a sum certain periodically to the spouse, or to the guardian or custodian of the minor child or children, or to an organization or individual approved by the court as trustee. The court may release the defendant from custody on probation, upon his or her entering into a recognizance, with or without surety, in such sum as the court may order and approve. The condition of the recognizance shall be such that if the defendant shall personally appear in court whenever ordered to do so, and shall comply with the terms of the order, or of any modification thereof, the recognizance shall be void, otherwise it will remain in full force and effect. The court may, in addition to or in place of any order under this section, order and direct that any sentence of imprisonment be served periodically, instead of consecutively, during periods of time between Friday at 6 p.m. and Monday at 8 a.m. or at other times or on other days, whenever the court determines the existence of proper circumstances and that the ends of justice will be served thereby. Any person so imprisoned shall be given credit for each day or fraction of a day to the nearest hour actually served.

c. Violation of order. If the court be satisfied by information and due proof under oath that the defendant has violated the terms of the order, it may forthwith proceed with the trial of the defendant under the original charge, or sentence the defendant under the original conviction or plea of guilty, or enforce the suspended sentence or punish for contempt, as the case may be. In case of forfeiture of a recognizance, and the enforcement thereof by execution, the sum recovered may, in the discretion of the court, be paid in whole or part to the spouse, or to the guardian, custodian or trustee of such minor child or children.

d. Proof of marriage; husband and wife as witness. No other or greater evidence shall be required to prove the marriage of such husband and wife, or that the defendant is the father or mother of such child or children, than is required in a civil action. In no prosecution under this chapter shall any existing statute or rule of law prohibiting the disclosure of confidential communications between husband and wife apply, and both husband and wife shall be competent and compellable witnesses to testify against each other as to any and all relevant matters, including the fact of the marriage and the parentage of the child or children.

e. Place of residence confers jurisdiction of offense. The place of residence at the time of the desertion of the spouse, child or children, under the provisions of this chapter, shall confer jurisdiction of the offense set forth therein, upon the county, county

district, or juvenile and domestic relations court having territorial jurisdiction of the place of such residence, until the deserted party shall establish a legal residence in some other county or State.

Source: N. J. S. 2A:100–3; 2A:100–4 amended 1969, c. 148; 2A:100–5 to 2A:100–8.

Chapter 63. [Reserved]

Chapter 64. Forfeiture

Section

2C:64–1. Property Subject to Forfeiture.
2C:64–2. Forfeiture Procedures; Prima Facie Contraband.
2C:64–3. Forfeiture Procedures; Other Property.
2C:64–4. Seized Property; Evidentiary Use.
2C:64–5. Seized Property; Rights of Owners and Other Holding Interests.
2C:64–6. Disposal of Forfeited Property.
2C:64–7. Vesting of Title in Forfeited Property.
2C:64–8. Seized Property; Statute of Limitations on Claims.

C. 2C:64-1 Property Subject to Forfeiture.

2C:64–1. Property Subject to Forfeiture. a. The defendant's interest in the following shall be subject to forfeiture and no property right shall exist in them:

(1) Controlled dangerous substances, firearms which are unlawfully possessed, carried, acquired or used, illegally possessed gambling devices and untaxed cigarettes. These shall be designated prima facie contraband.

(2) All property which has been, or is intended to be, utilized in furtherance of an unlawful activity, including, but not limited to, conveyances intended to facilitate the perpetration of illegal acts, or buildings or premises maintained for the purpose of committing offenses against the State.

(3) Property which has become or is intended to become an integral part of illegal activity, including, but not limited to, money which is earmarked for use as financing for an illegal gambling enterprise.

(4) Proceeds of illegal activities, including, but not limited to, property or money obtained as a result of the sale of prima facie contraband as defined by subsection a. (1), proceeds of illegal gambling, prostitution, bribery and extortion. Provided that an

individual, who can demonstrate that said money or property was his, may recover such money or property.

b. Any article subject to forfeiture under this chapter may be seized by the State or any law enforcement officer upon process issued by any court of competent jurisdiction over the property, except that seizure without such process may be made when:

(1) The article is prima facie contraband.

(2) The property subject to seizure poses an immediate threat to the public health, safety or welfare.

(3) It is otherwise not inconsistent with the Constitution of this State or the United States.

Source: N. J. S. 2A:151-16 amended 1966, c. 60, s. 14; 2A:152-6 and 2A:152-7; C. 24:21-35 (1970, c. 226, s. 35 amended 1975, c. 42); C. 54:40A-30 (1948, c. 65, s. 607); C. 54:40A-32 (1948, c. 65, s. 609 amended 1951, c. 281, s. 6; 1952, c. 246, s. 9; 1954, c. 225, s. 4; 1957, c. 214, s. 2; 1966, c. 176; 1966, c. 312; 1968, c. 351, s. 8).

C. 2C:64-2 Forfeiture Procedures; Prima Facie Contraband.

2C:64-2. Forfeiture Procedures; Prima Facie Contraband. a. Upon seizure of prima facie contraband, the seizing officer shall immediately file an application with a court of competent jurisdiction seeking a judicial declaration that the property has been forfeited to the State. Such a determination may be made in an ex parte proceeding.

b. The court shall declare all prima facie contraband forfeited either to the State, or to the county, whichever was the seizing authority, unless it shall have reason to believe that the seized property was possessed or utilized in a legal manner or that the owner of the article had no knowledge of its illegal possession or use.

c. If the court finds that the seized property may have been possessed or utilized in a legal manner or that the owner of the property had no knowledge of its unlawful possession or use, the seizing officer shall be required to serve notice that the property had been seized, in accordance with the provisions of 2C:64-3 c.

d. Any person with an interest in the seized property shall file his claim within 30 days. The claim shall set forth the reason or reasons why the claimant has a legitimate interest in the property.

e. The claimant shall be required to prove, by a preponderance of the evidence, that the property claimed was possessed or utilized by him in a lawful manner, or that he had no knowledge of its illegal possession or use.

f. If no action is commenced within 30 days of the service of notice, the property seized shall be disposed of in accordance with the provisions of 2C:64–6.

Source: New.

C. 2C:64-3 Forfeiture Procedures; Other Property.

2C:64–3. Forfeiture Procedures; Other Property. a. Whenever any property other than prima facie contraband is subject to forfeiture under this chapter, such forfeiture may be enforced by a civil action, commenced by the seizing authority in the name of the State of New Jersey and against the property sought to be forfeited.

b. The complaint shall be verified on oath or affirmation. It shall describe with reasonable particularity the property that is the subject matter of the action and shall contain allegations setting forth the reason or reasons the article sought to be or which has been seized is contraband.

c. Notice of the action shall be given to any person known to have a property interest in the article. In addition, the notice requirements of the Rules of Court for an in rem action shall be followed.

d. The claimant of the property that is the subject of an action under this chapter shall file his claim within 10 days after the service of notice or within such additional time as may be allowed by the court, and shall serve his answer within 20 days after the filing of the claim. The claim shall be verified on oath or affirmation, and shall state the interest in the property by virtue of which the claimant demands its restitution and the right to defend the action. If the claim is made in behalf of the person entitled to possession by an agent, bailee or attorney, it shall state that he is duly authorized to make the claim.

e. If no claim is filed in accordance with the provisions of subsection d. the property seized shall be declared forfeited to the State.

f. Any person with a property interest in the seized property, other than a defendant who is being prosecuted in connection with the seizure of property may secure its release pending the forfeiture action unless the article is dangerous to the public health, safety and welfare or the seizing officer can demonstrate that the property will probably be lost or destroyed if released.

Source: N. J. S. 2A:152–7; 2A:152–9; C. 2A:152–9.2 and 2A:152–9.3 (1962, c. 160, ss. 2, 3).

C. 2C:64-4 Seized Property; Evidentiary Use.

2C:64–4. Seized Property; Evidentiary Use. a. Nothing in this chapter shall impair the right of the State to retain evidence pending a criminal prosecution.

b. The fact that a prosecution for possession, use or sale of prima facie contraband terminates without a conviction does not preclude forfeiture proceedings against the property.

c. If an individual is convicted of the illegal possession, use or sale of prima facie contraband, the article which is the subject matter of the conviction shall be forfeited upon the entry of judgment, subject to the provisions of 2C:64–5 of this chapter.

Source: N. J. S. 2A:152–8 to 2A:152–10.

C. 2C:64-5 Seized Property; Rights of Owners and Others Holding Interests.

2C:64–5. Seized Property; Rights of Owners and Others Holding Interests. No property subject to seizure under this chapter shall be forfeited unless it shall appear that the owner of the property or his agent was a consenting party or privy to its unlawful possession, use or sale, nor shall any forfeiture under this chapter affect the rights of any person holding an interest in property subject to seizure under this chapter unless it shall appear that such person had knowledge of or consented to any act or omission upon which the right of forfeiture is based.

Source: New.

C. 2C:64-6 Disposal of Forfeited Property.

2C:64–6. Disposal of Forfeited Property. Property which has been forfeited shall be destroyed if it can serve no lawful purpose or it presents a danger to the public health, safety or welfare. Otherwise, articles forfeited pursuant to this chapter may be sold and the proceeds retained by the State or they may be placed at the disposal of any public agency or charitable institution which shall demonstrate a need for the property. All money seized pursuant to this chapter shall become the property of the State.

Source: N. J. S. 2A:152–6.

C. 2C:64-7 Vesting of Title in Forfeited Property.

2C:64–7. Vesting of Title in Forfeited Property. Title to property forfeited under this chapter shall be considered to have vested in the State at the time the article was utilized illegally or, in the case of proceeds, when received.

Source: New.

C. 2C:64-8 Seized Property; Statute of Limitations on Claims.

2C:64–8. Seized Property; Statute of Limitations on Claims. Any person who could not with due diligence have discovered that property which he owns was seized as contraband may file a claim for its return within 3 years of the seizure if he can demonstrate that he did not consent to, or have knowledge of its unlawful use. If the property has been sold, the claimant receives a claim against proceeds.

Source: New.

CHAPTER 65. [RESERVED]

CHAPTER 66. [RESERVED]

CHAPTER 67. [RESERVED]

CHAPTER 68. [RESERVED]

CHAPTER 69. [RESERVED]

CHAPTER 70. [RESERVED]

CHAPTER 71. [RESERVED]

CHAPTER 72. [RESERVED]

CHAPTER 73. [RESERVED]

CHAPTER 74. [RESERVED]

CHAPTER 75. [RESERVED]

CHAPTER 76. [RESERVED]

CHAPTER 77. [RESERVED]

CHAPTER 78. [RESERVED]

CHAPTER 79. [RESERVED]

CHAPTER 80. [RESERVED]

CHAPTER 81. [RESERVED]

CHAPTER 82. [RESERVED]

CHAPTER 83. [RESERVED]

CHAPTER 84. [RESERVED]

CHAPTER 85. [RESERVED]

CHAPTER 86. [RESERVED]

CHAPTER 87. [RESERVED]

CHAPTER 88. [RESERVED]

CHAPTER 89. [RESERVED]

CHAPTER 90. [RESERVED]

CHAPTER 91. [RESERVED]

CHAPTER 92. [RESERVED]

CHAPTER 93. [RESERVED]

CHAPTER 94. [RESERVED]

CHAPTER 95. [RESERVED]

CHAPTER 96. [RESERVED]

CHAPTER 97. [RESERVED]

CHAPTER 98. REPEALERS, ALLOCATIONS AND EFFECTIVE DATE

Section

2C:98–1. Construction.

2C:98–2. Repealers.

2C:98–3. Allocations.

2C:98–4. Effective Date.

C. 2C:98-1 Construction.

2C:98–1. Construction. The provisions of R. S. 1:1–8 and R. S. 1:1–11 to 1:1–21, both inclusive, shall be applicable to the enactment and operation of said Title 2C. The enactment of this law shall not, due to the repeal set forth in section 2C:98–2:

a. Be deemed to revive any common law right or remedy abolished by any sections, acts or parts of acts repealed thereby; or

b. Affect any right now vested in any person pursuant to the provisions of those sections, acts or parts of acts, nor any remedy where an action or proceeding thereunder has heretofore been instituted and is pending on the effective date of said repeal.

C. 2C:98-2 Repealer.

2C:98–2. Repealer. All acts and parts of acts inconsistent with this act are hereby superseded and repealed, and without limiting the general effect of this act in superseding and repealing acts so inconsistent herewith, the following sections, acts and parts of acts, together with all amendments and supplements thereto, are specifically repealed:

New Jersey Statutes sections:
2A:85–1 to 2A:85–5 both inclusive;
2A:85–6 to 2A:85–14 both inclusive;
2A:86–1 to 2A:88–1 both inclusive;
2A:89–1 to 2A:90–3 both inclusive;
2A:91–1 to 2A:94–3 both inclusive;
2A:95–1 and 2A:95–2;
2A:96–1 to 2A:96–4 both inclusive;
2A:97–1 to 2A:98–2 both inclusive;
2A:99–1 and 2A:99–2;
2A:100–1 to 2A:102–12 both inclusive;
2A:103–1 to 2A:104–12 both inclusive;
2A:105–1 to 2A:105–4 both inclusive;
2A:106–1 to 2A:108–8 both inclusive;
2A:109–1 to 2A:111–21 both inclusive;
2A:111–22 to 2A:111–24 both inclusive;
2A:112–1 to 2A:115–1 both inclusive;
2A:115–2;
2A:115–3;
2A:115–4 and 2A:115–5;
2A:116–1 to 2A:119–5 both inclusive;
2A:119–6 to 2A:119–8 both inclusive;
2A:119–9;
2A:120–1 to 2A:121–5 both inclusive;
2A:122–1 to 2A:122–9 both inclusive;
2A:123–1 and 2A:123–2;
2A:124–1 to 2A:127–4 both inclusive;
2A:128–1 to 2A:134–1 both inclusive;
2A:135–1 to 2A:145–1 both inclusive;
2A:146–2 to 2A:148–22 both inclusive;
2A:150–1;
2A:151–1 to 2A:151–10 both inclusive;
2A:151–11 and 2A:151–12;
2A:151–14 to 2A:151–28 both inclusive;
2A:151–31 to 2A:151–41 both inclusive;
2A:151–42 to 2A:151–44 both inclusive;
2A:151–45 to 2A:151–57 both inclusive;
2A:151–58 to 2A:151–61 both inclusive;
2A:152–5 to 2A:152–9 both inclusive;
2A:152–10 and 2A:152–11;
2A:152–14;
2A:159–1 to 2A:159–3 both inclusive;

2A:163–2;
2A:163–3;
2A:164–2 to 2A:164–13 both inclusive;
2A:164–14 to 2A:164–28 both inclusive;
2A:165–1 to 2A:165–12 both inclusive;
2A:166–1 to 2A:166–7 both inclusive;
2A:166–11;
2A:166–14 to 2A:166–16 both inclusive;
2A:167–1 to 2A:167–3 both inclusive;
2A:168–1 to 2A:168–4 both inclusive;
2A:169–1 to 2A:169–10 both inclusive;
2A:170–1 to 2A:170–3 both inclusive;
2A:170–4 to 2A:170–7 both inclusive;
2A:170–9 to 2A:170–11 both inclusive;
2A:170–14;
2A:170–16 to 2A:170–19 both inclusive;
2A:170–21 and 2A:170–25;
2A:170–26 to 2A:170–30 both inclusive;
2A:170–31;
2A:170–32 to 2A:170–41 both inclusive;
2A:170–42 to 2A:170–44 both inclusive;
2A:170–46 to 2A:170–49 both inclusive;
2A:170–53;
2A:170–55 to 2A:170–64 both inclusive;
2A:170–65 to 2A:170–67 both inclusive;
2A:170–68 and 2A:170–69;
2A:170–70 to 2A:170–76 both inclusive;
2A:170–86 to 2A:170–90 both inclusive;
2A:170–93 to 2A:170–96 both inclusive;
2A:171–1;
2A:171–2;
2A:171–4 and 2A:171–5;
2A:171–6 to 2A:171–12 both inclusive.

Pamphlet Laws:

Laws of 1971, c. 450 (C. 2A:85–5.1);
Laws of 1973, c. 191 (C. 2A:85–15 to C. 2A:85–23 both inclusive);
Laws of 1964, c. 74 (C. 2A:88A–1);
Laws of 1962, c. 39 (C. 2A:90–4);
Laws of 1971, c. 314 (C. 2A:94–4);
Laws of 1954, c. 219 (C. 2A:95–3);
Laws of 1953, c. 265 (C. 2A:96–6 to C. 2A:96–8 both inclusive);
Laws of 1961, c. 53 (C. 2A:98–3 and C. 2A:98–4);

Laws of 1960, c. 177 (C. 2A:99A–1 to 2A:99A–4 both inclusive);
Laws of 1970, c. 131 (C. 2A:99B–1);
Laws of 1959, c. 98 (C. 2A:102–12.1);
Laws of 1964, c. 265 (C. 2A:104–13 and C. 2A:104–14);
Laws of 1968, c. 83 (C. 2A:105–5);
Laws of 1964, c. 179 (C. 2A:111–21.1);
Laws of 1952, c. 332 (C. 2A:111–25 to C. 2A:111–27 both inclusive);
Laws of 1954, c. 58 (C. 2A:111–28 to C. 2A:111–31 both inclusive);
Laws of 1960, c. 62 (C. 2A:111–32 and C. 2A:111–33);
Laws of 1964, c. 294 (C. 2A:111–34 to C. 2A:111–36 both inclusive);
Laws of 1968, c. 253 (C. 2A:111–37 and 2A:111–38);
Laws of 1968, c. 260 (C. 2A:111–39);
Laws of 1968, c. 300 (C. 2A:111–40 to C. 2A:111–51 both inclusive);
Laws of 1962, c. 165 (C. 2A:115–1.1);
Laws of 1971, c. 449 (C. 2A:115–1.1a and C. 2A:115–1.1b);
Laws of 1971, c. 446 (C. 2A:115–1.6 to C. 2A:115–1.12 both inclusive);
Laws of 1971, c. 447 (C. 2A:115–2.1 to C. 2A:115–2.4 both inclusive);
Laws of 1971, c. 448 (C. 2A:115–2.5 to C. 2A:115–2.9 both inclusive);
Laws of 1953, c. 392 (C. 2A:115–3.1);
Laws of 1962, c. 166 (C. 2A:115–3.3 and C. 2A:115–3.5 to C. 2A:115–3.10 both inclusive);
Laws of 1971, c. 376 (C. 2A:115–6);
Laws of 1965, c. 52 (C. 2A:119–5.1 to 2A:119–5.5 both inclusive);
Laws of 1962, c. 201 (C. 2A:119–8.1);
Laws of 1968, c. 349 (C. 2A:119A–1 to C. 2A:119A–4 both inclusive);
Laws of 1961, c. 39 (C. 2A:121–6);
Laws of 1971, c. 87 (C. 2A:122–9.1 and C. 2A:122–9.2);
Laws of 1960, c. 5 (C. 2A:122–10);
Laws of 1960, c. 69 (C. 2A:122–11);
Laws of 1967, c. 72 (C. 2A:122–12);
Laws of 1964, c. 86 (C. 2A:127–5);
Laws of 1957, c. 49 (C. 2A:148–22.1);
Laws of 1967, c. 182 (C. 2A:149A–1);
Laws of 1968, c. 395 (C. 2A:149A–2 and C. 2A:149A–3);
Laws of 1968, c. 147 (C. 2A:151–10.1);

Laws of 1969, c. 157 (C. 2A:151–41.1 and C. 2A:151–41.2);
Laws of 1966, c. 60 (C. 2A:151–44.1 and C. 2A:151–44.2);
Laws of 1966, c. 60 (C. 2A:151–57.1 and C. 2A:151–57.2);
Laws of 1952, c. 5 (C. 2A:151–62 and C. 2A:151–63);
Laws of 1962, c. 160 (C. 2A:152–9.1 to C. 2A:152–9.5 both inclusive);
Laws of 1952, c. 212 (C. 2A:152–15 and C. 2A:152–16);
Laws of 1952, c. 74 (C. 2A:159–4);
Laws of 1960, c. 24 (C. 2A:166A–1 to C. 2A:166A–4 both inclusive);
Laws of 1968, c. 279 (C. 2A:169–11);
Laws of 1971, c. 315 (C. 2A:170–3.1 to C. 2A:170–3.3 both inclusive);
Laws of 1955, c. 105 (C. 2A:170–20.8);
Laws of 1953, c. 67 (C. 2A:170–25.2);
Laws of 1954, c. 147 (C. 2A:170–25.3);
Laws of 1955, c. 213 (C. 2A:170–25.4);
Laws of 1955, c. 250 (C. 2A:170–25.5);
Laws of 1959, c. 194 (C. 2A:170–25.7);
Laws of 1964, c. 178 (C. 2A:170–25.8);
Laws of 1966, c. 150 (C. 2A:170–25.14 and C. 2A:170–25.15);
Laws of 1970, c. 133 (C. 2A:170–25.16);
Laws of 1973, c. 258 (C. 2A:170–25.18 to C. 2A:170–25.20 both inclusive);
Laws of 1972, c. 159 (C. 2A:170–30.1);
Laws of 1956, c. 185 (C. 2A:170–31.1);
Laws of 1972, c. 160 (C. 2A:170–41.1);
Laws of 1956, c. 195 (C. 2A:170–50.1 to C. 2A:170–50.3 both inclusive);
Laws of 1965, c. 184, sections 3 to 5 (C. 2A:170–50.4 to C. 2A:170–50.6 both inclusive);
Laws of 1957, c. 203 (C. 2A:170–54.1);
Laws of 1968, c. 324 (C. 2A:170–54.2);
Laws of 1953, c. 68 (C. 2A:170–64.1);
Laws of 1961, c. 139 (C. 2A:170–64.2);
Laws of 1954, c. 16 (C. 2A:170–67.1);
Laws of 1954, c. 137 (C. 2A:170–69.1);
Laws of 1958, c. 170 (C. 2A:170–69.1a and C. 2A:170–69.1b);
Laws of 1955, c. 245, sections 2 and 3 (C. 2A:170–69.2 and C. 2A:170–69.3);
Laws of 1964, c. 53 (C. 2A:170–69.4 to C. 2A:170–69.6 both inclusive);

Laws of 1968, c. 288 (C. 2A:170–69.7 and C. 2A:170–69.8);
Laws of 1962, c. 178 (C. 2A:170–97 to C. 2A:170–101 both inclusive);
Laws of 1968, c. 256 (C. 2A:170–102 and C. 2A: 170–103);
Laws of 1955, c. 254 (C. 2A:171–1.1 and C. 2A:171–1.2);
Laws of 1958, c. 138 (C. 2A:171–5.1 to C. 2A:171–5.7 both inclusive);
Laws of 1959, c. 119 (C. 2A:171–5.8 to C. 2A:171–5.18 both inclusive).

C. 2C:98-3 Allocations.

2C:98–3. Allocations. Pending enactment of acts to revise, repeal or to compile the same in Title 2C of the New Jersey Statutes, the following sections, acts or parts of acts, together with all amendments and supplements thereto, shall remain in full force and effect for use, administration and enforcement as heretofore:

New Jersey Statutes sections:
2A:149–1;
2A:152–1;
2A:152–2;
2A:152–3;
2A:152–4;
2A:152–12;
2A:152–13;
2A:153–1 to 2A:153–3 both inclusive;
2A:154–1 to 2A:154–3 both inclusive;
2A:155–1 to 2A:156–4 both inclusive;
2A:157–1 to 2A:158–1 both inclusive;
2A:158–2 to 2A:158–10 both inclusive;
2A:158–13;
2A:158–15;
2A:158–16;
2A:158–18;
2A:158–19 and 2A:158–20;
2A:160–1 to 2A:162–8 both inclusive;
2A:163–1;
2A:164–1;
2A:166–8 to 2A:166–10 both inclusive;
2A:166–12 and 2A:166–13;
2A:166–17 to 2A:166–19 both inclusive;
2A:167–4 to 2A:167–12 both inclusive;
2A:168–5 to 2A:168–17 both inclusive;

2A:170–20;
2A:170–51;
2A:170–77;
2A:170–78 to 2A:170–85 both inclusive;
2A:170–91 and 2A:170–92;
Pamphlet Laws:
Laws of 1952, c. 121 (C. 2A:96–5);
Laws of 1966, c. 12 (C. 2A:96–5.1);
Laws of 1957, c. 182 (C. 2A:102–13 to 2A:102–17 both inclusive);
Laws of 1952, c. 95 (C. 2A:108–9);
Laws of 1953, c. 267 (C. 2A:123–3 to C. 2A:123–15 both inclusive);
Laws of 1971, c. 412 (C. 2A:150A–1 to C. 2A:150A–5 both inclusive);
Laws of 1973, c. 354 (C. 2A:150A–6);
Laws of 1956, c. 134 (C. 2A:152–17 to C. 2A:152–19 both inclusive);
Laws of 1968, c. 427 (C. 2A:154–4);
Laws of 1967, c. 171 (C. 2A:153–4);
Laws of 1968, c. 409 (C. 2A:156A–1 to C. 2A:156A–26);
Laws of 1970, c. 6 (C. 2A:158–1.1 and C. 2A:158–1.2);
Laws of 1970, c. 6 (C. 2A:158–15.1 and C. 2A:158–15.2);
Laws of 1957, c. 128 (C. 2A:158–16.1);
Laws of 1953, c. 307 (C. 2A:158–18.1 and C. 2A:158–18.2);
Laws of 1964, c. 168 (C. 2A:158–21);
Laws of 1967, c. 43 (C. 2A:158A–1 to C. 2A:158A–5 both inclusive);
Laws of 1974, c. 33 (C. 2A:158A–5.1 and C. 2A:158A–5.2);
Laws of 1967, c. 43 (C. 2A:158A–6 to C. 2A:158A–20 both inclusive);
Laws of 1967, c. 43 (C. 2A:158A–22);
Laws of 1968, c. 371 (C. 2A:158A–23 to C. 2A:158A–25 both inclusive);
Laws of 1958, c. 12 (C. 2A:159A–1 to C. 2A:159A–15 both inclusive);
Laws of 1952, c. 163 (C. 2A:162–9 and C. 2A:162–10);
Laws of 1960, c. 24 (C. 2A:166A–1 to 2A:166A–4 both inclusive);
Laws of 1953, c. 83 (C. 2A:168–18 to C. 2A:168–25 both inclusive);
Laws of 1968, c. 282 (C. 2A:168A–1 to C. 2A:168A–3 both inclusive);
Laws of 1954, c. 181 (C. 2A:170–20.1 to C. 2A:170–20.4 both inclusive);
Laws of 1956, c. 230 (C. 2A:170–20.9 and C. 2A:170–20.10);

Laws of 1952, c. 106 (C. 2A:170–25.1);

Laws of 1965, c. 41 (C. 2A:170–25.9 to C. 2A:170–25.13 both inclusive);

Laws of 1972, c. 143 (C. 2A:170–25.17);

Laws of 1955, c. 48 (C. 2A:170–77.2);

Laws of 1962, c. 174 (C. 2A:170–77.2a and C. 2A:170–77.2b);

Laws of 1955, c. 277 (C. 2A:170–77.3 to C. 2A:170–77.7 both inclusive);

Laws of 1962, c. 113 (C. 2A:170–77.8 to C. 2A:170–77.11 both inclusive);

Laws of 1964, c. 230 (C. 2A:170–77.12 to C. 2A:170–77.14 both inclusive);

Laws of 1966, c. 314 (C. 2A:170–77.15);

Laws of 1966, c. 114 (C. 2A:170–90.1 and C. 2A:170–90.2).

C. 2C:98-4 Effective Date.

2C:98–4. Effective Date. This act shall take effect the first day of the thirteenth month following enactment.

Approved August 10, 1978.

Chapter 95

New Jersey Code of Criminal Justice

Schedule of Allocations of Source Material Follows:

Source Sections		*Revised Sections*
N. J. S. 2A:85–1		2C:1–5
N. J. S. 2A:85–2		2C:2–6 2C:29–3
N. J. S. 2A:85–3		2C:2–9
N. J. S. 2A:85–4	As am. L. 1977, c. 364, s. 1	2C:4–11
N. J. S. 2A:85–5		2C:5–1 2C:5–4

Source Sections		*Revised Sections*
C. 2A:85–5.1	L. 1971, c. 450, s. 1	Not Enacted
N. J. S. 2A:85–6	As am. L. 1977, c. 214, s. 1	2C:43–1 2C:43–3 2C:43–6
N. J. S. 2A:85–7		2C:43–1 2C:43–3 2C:43–6
N. J. S. 2A:85–8	As am. L. 1953, c. 166, s. 1	2C:43–7 2C:44–3 2C:44–4
N. J. S. 2A:85–9	As am. L. 1953, c. 166, s. 2	2C:43–7 2C:44–3
N. J. S. 2A:85–10		2C:43–7 2C:44–3
N. J. S. 2A:85–11		Not Enacted
N. J. S. 2A:85–12	As am. L. 1953, c. 166, s. 3	2C:43–7 2C:44–3
N. J. S. 2A:85–13	As am. L. 1953, c. 166, s. 4	2C:43–7 2C:44–3
N. J. S. 2A:85–14		2C:2–6
C. 2A:85–15	L. 1973, c. 191, s. 1; As am. L. 1975, c. 47	
C. 2A:85–16	L. 1973, c. 191, s. 2	
C. 2A:85–17	L. 1973, c. 191, s. 3	
C. 2A:85–18	L. 1973, c. 191, s. 4	
C. 2A:85–19	L. 1973, c. 191, s. 5	2C:51–4
C. 2A:85–20	L. 1973, c. 191, s. 6	
C. 2A:85–21	L. 1973, c. 191, s. 7	
C. 2A:85–22	L. 1973, c. 191, s. 8	
C. 2A:85–23	L. 1973, c. 191, s. 9	
N. J. S. 2A:86–1		Not Enacted
N. J. S. 2A:86–2		Not Enacted
N. J. S. 2A:86–3		Not Enacted
N. J. S. 2A:87–1		Not Enacted
N. J. S. 2A:87–2		Not Enacted
N. J. S. 2A:88–1		Not Enacted
C. 2A:88A–1	L. 1964, c. 74	Not Enacted

Source Sections		*Revised Sections*
N. J. S. 2A:89-1 through N. J. S. 2A:89-6		2C:17-1
N. J. S. 2A:90-1		2C:12-1
N. J. S. 2A:90-2		2C:12-1 2C:19-1
N. J. S. 2A:90-3		2C:12-1 2C:19-1
C. 2A:90-4	L. 1962, c. 39; As am. L. 1967, c. 183; L. 1967, c. 262	2C:12-1
N. J. S. 2A:91-1		Not Enacted
N. J. S. 2A:91-2		Not Enacted
N. J. S. 2A:91-3		2C:21-4
N. J. S. 2A:91-4		Not Enacted
N. J. S. 2A:91-5 through N. J. S. 2A:91-7		2C:21-4
N. J. S. 2A:91-8		2C:21-4 2C:21-14
N. J. S. 2A:92-1		2C:24-1
N. J. S. 2A:92-2		2C:24-1
N. J. S. 2A:93-1 through N. J. S. 2A:93-3		2C:27-2
N. J. S. 2A:93-4	As am. L. 1977, c. 214, s. 2	2C:27-2
N. J. S. 2A:93-5	As am. L. 1977, c. 214, s. 3	2C:51-2
C. 2A:93-5.1	L. 1977, c. 214, s. 9	Omitted
N. J. S. 2A:93-6	As am. L. 1977, c. 214, s. 4	2C:27-2 2C:27-8
N. J. S. 2A:93-7		Not Enacted
N. J. S. 2A:93-8		Not Enacted
N. J. S. 2A:93-9		Not Enacted
N. J. S. 2A:93-10 through N. J. S. 2A:93-14		2C:21-11
N. J. S. 2A:94-1		2C:18-2
N. J. S. 2A:94-2		2C:18-2

Source Sections		*Revised Sections*
N. J. S. 2A:94–3		2C:5–5
C. 2A:94–4	L. 1971, c. 314	Not Enacted
N. J. S. 2A:95–1		2C:33–9
N. J. S. 2A:95–2	As am. L. 1954, c. 219, s. 1	2C:33–9
C. 2A:95–3	L. 1954, c. 219, s. 2; As am. L. 1973, c. 219, s. 37	2C:33–9
N. J. S. 2A:96–1		Not Enacted
N. J. S. 2A:96–2 through N. J. S. 2A:96–4		2C:24–4
C. 2A:96–5	L. 1952, c. 121; As am. L. 1966, c. 12, s. 1	Saved from Repeal (See 2C:98–3)
C. 2A:96–5.1	L. 1966, c. 12, s. 2	
C. 2A:96–6	L. 1953, c. 265, s. 1	Repealed L. 1977, c. 367, s. 20
C. 2A:96–7	L. 1953, c. 265, s. 2	
C. 2A:96–8	L. 1953, c. 265, s. 3	Repealed L. 1977, c. 367, s. 20
N. J. S. 2A:97–1	As am. L. 1977, c. 214, s. 5	2C:29–4
N. J. S. 2A:97–2		Not Enacted
N. J. S. 2A:98–1	As am. L. 1952, c. 91	2C:5–2
N. J. S. 2A:98–2		2C:5–2
C. 2A:98–3	L. 1961, c. 53, s. 1	2C:5–2
C. 2A:98–4	L. 1961, c. 53, s. 2	2C:5–2
N. J. S. 2A:99–1		2C:12–1 2C:29–1
N. J. S. 2A:99–2		Not Enacted
C. 2A:99A–1	L. 1960, c. 177, s. 1	2C:21–19
C. 2A:99A–2	L. 1960, c. 177, s. 2	2C:21–19
C. 2A:99A–3	L. 1960, c. 177, s. 3	Not Enacted
C. 2A:99A–4	L. 1960, c. 177, s. 4; As am. L. 1977, c. 391, s. 1	2C:21–19
C. 2A:99B–1	L. 1970, c. 131	Not Enacted
N. J. S. 2A:100–1		2C:24–5
N. J. S. 2A:100–2		2C:24–5
N. J. S. 2A:100–3		2C:62–1
N. J. S. 2A:100–4	As am. L. 1969, c. 148	2C:62–1

Source Sections		*Revised Sections*
N. J. S. 2A:100-5 through N. J. S. 2A:100-8		2C:62-1
N. J. S. 2A:101-1		2C:12-1
N. J. S. 2A:102-1		2C:20-9
N. J. S. 2A:102-2		2C:20-9 2C:21-15
N. J. S. 2A:102-3		2C:20-9 2C:21-15
N. J. S. 2A:102-4 through N. J. S. 2A:102-9		2C:20-9
N. J. S. 2A:102-10	As am. L. 1954, c. 123, s. 1	2C:20-9
N. J. S. 2A:102-11	As am. L. 1954, c. 123, s. 2	2C:20-9
N. J. S. 2A:102-12		2C:20-9
C. 2A:102-12.1	L. 1959, c. 98	Not Enacted
C. 2A:102-13	L. 1957, c. 182, s. 1	
C. 2A:102-14	L. 1957, c. 182, s. 2	Saved from Repeal (See 2C:98-3)
C. 2A:102-15	L. 1957, c. 182, s. 3	
C. 2A:102-16	L. 1957, c. 182, s. 4	
C. 2A:102-17	L. 1957, c. 182, s. 5	
N. J. S. 2A:103-1		2C:27-2
N. J. S. 2A:103-2		2C:27-2
N. J. S. 2A:104-1 through N. J. S. 2A:104-7		2C:29-5
N. J. S. 2A:104-8		2C:29-5 2C:29-6
N. J. S. 2A:104-9		2C:29-5
N. J. S. 2A:104-10		2C:29-5
N. J. S. 2A:104-11		2C:29-6
N. J. S. 2A:104-12		2C:29-6
C. 2A:104-13	L. 1964, c. 265, s. 1	2C:29-7
C. 2A:104-14	L. 1964, c. 265, s. 2	2C:29-7
N. J. S. 2A:105-1	As am. L. 1977, c. 214, s. 6	2C:20-5 2C:27-2
N. J. S. 2A:105-2	As am. L. 1977, c. 214, s. 7	2C:20-5 2C:27-2

Source Sections		*Revised Sections*
N. J. S. 2A:105–3	As am. L. 1963, c. 152	2C:12–3 2C:13–5 2C:20–5
N. J. S. 2A:105–4		2C:20–5
C. 2A:105–5	L. 1968, c. 83	2C:13–5 2C:20–5
N. J. S. 2A:106–1		Not Enacted
N. J. S. 2A:107–1 through N. J. S. 2A:107–5		Not Enacted
N. J. S. 2A:108–1 through N. J. S. 2A:108–4		2C:21–7
N. J. S. 2A:108–5	As am. L. 1966, c. 215, s. 1	2C:21–7
N. J. S. 2A:108–6		2C:21–7
N. J. S. 2A:108–7	As am. L. 1966, c. 215, s. 2; L. 1967, c. 98	2C:21–7
N. J. S. 2A:108–8		Not Enacted
C. 2A:108–9	L. 1952, c. 95	Saved from Repeal (See 2C:98–3)
N. J. S. 2A:109–1 through N. J. S. 2A:109–11		2C:21–1
N. J. S. 2A:110–1		Not Enacted
N. J. S. 2A:111–1		2C:20–4
N. J. S. 2A:111–2	As am. L. 1954, c. 117, s. 1; L. 1962, c. 76, s. 1	2C:20–4
N. J. S. 2A:111–3	As am. L. 1954, c. 117, s. 2; L. 1962, c. 76, s. 2	2C:20–4
N. J. S. 2A:111–4		2C:20–4
N. J. S. 2A:111–5		2C:20–4 2C:21–16
N. J. S. 2A:111–6		2C:20–4
N. J. S. 2A:111–7		2C:20–4 2C:21–18
N. J. S. 2A:111–8		2C:20–4

Source Sections		*Revised Sections*
N. J. S. 2A:111-9 through N. J. S. 2A:111-11		2C:20-4 2C:21-4
N. J. S. 2A:111-12		2C:20-4 2C:21-4 2C:21-9
N. J. S. 2A:111-13		2C:20-4
N. J. S. 2A:111-14		2C:20-4
N. J. S. 2A:111-15	As am. L. 1965, c. 184, s. 2	2C:20-4 2C:21-5
N. J. S. 2A:111-16		2C:20-4 2C:21-5
N. J. S. 2A:111-17		2C:20-4 2C:21-5
N. J. S. 2A:111-18		2C:20-4 2C:21-17
N. J. S. 2A:111-19		2C:20-4
N. J. S. 2A:111-20		2C:20-4 2C:21-12
N. J. S. 2A:111-21		2C:20-4
C. 2A:111-21.1	L. 1964, c. 179	2C:20-4 2C:21-12
N. J. S. 2A:111-22		2C:20-4 2C:21-7
N. J. S. 2A:111-23		2C:20-4 2C:21-7
N. J. S. 2A:111-24		2C:20-4 2C:21-7
C. 2A:111-25	L. 1952, c. 332, s. 1; As am. L. 1953, c. 432, s. 1	2C:20-4 2C:21-1
C. 2A:111-26	L. 1952, c. 332, s. 2; As am. L. 1953, c. 432, s. 2	2C:20-4 2C:21-1
C. 2A:111-27	L. 1952, c. 332, s. 3	2C:20-4 2C:21-1
C. 2A:111-28	L. 1954, c. 58, s. 1	2C:20-4
C. 2A:111-29	L. 1954, c. 58, s. 2	2C:20-4

Source Sections			*Revised Sections*
C.	2A:111–30	L. 1954, c. 58, s. 3	2C:20–4 2C:21–15
C.	2A:111–31	L. 1954, c. 58, s. 4	2C:20–4
C.	2A:111–32	L. 1960, c. 62, s. 1; As am. L. 1967, c. 301, s. 3	2C:20–4 2C:21–7
C.	2A:111–33	L. 1960, c. 62, s. 2	2C:20–4
C.	2A:111–34	L. 1964, c. 294, s. 1	2C:20–4
C.	2A:111–35	L. 1964, c. 294, s. 2	2C:20–4
C.	2A:111–36	L. 1964, c. 294, s. 3	2C:20–4
C.	2A:111–37	L. 1968, c. 253, s. 1	2C:20–4
C.	2A:111–38	L. 1968, c. 253, s. 2	2C:20–4
C.	2A:111–39	L. 1968, c. 260	2C:20–4 2C:21–4
C.	2A:111–40	L. 1968, c. 300, s. 1	
C.	2A:111–41	L. 1968, c. 300, s. 2	
C.	2A:111–42	L. 1968, c. 300, s. 3	
C.	2A:111–43	L. 1968, c. 300, s. 4	
C.	2A:111–44	L. 1968, c. 300, s. 5	
C.	2A:111–45	L. 1968, c. 300, s. 6	2C:20–4
C.	2A:111–46	L. 1968, c. 300, s. 7	2C:21–6
C.	2A:111–47	L. 1968, c. 300, s. 8	
C.	2A:111–48	L. 1968, c. 300, s. 9	
C.	2A:111–49	L. 1968, c. 300, s. 10; As am. L. 1969, c. 299	
C.	2A:111–50	L. 1968, c. 300, s. 11	
C.	2A:111–51	L. 1968, c. 300, s. 12	
C.	2A:111–52	L. 1975, c. 269, s. 1	Omitted
C.	2A:111–53	L. 1975, c. 269, s. 2	Omitted
C.	2A:111–54	L. 1975, c. 269, s. 3	Omitted
C.	2A:111–55	L. 1975, c. 269, s. 4	Omitted
N. J. S.	2A:112–1		2C:37–1
N. J. S.	2A:112–2		2C:37–1 2C:37–7
N. J. S.	2A:112–3		2C:37–1 2C:37–2 2C:37–4
N. J. S.	2A:112–4 through 2A:112–8		Not Enacted

Source Sections		*Revised Sections*
N. J. S. 2A:113–1	As am. L. 1971, c. 2, s. 7	2C:11–2 2C:11–3
N. J. S. 2A:113–2	As am. L. 1965, c. 212	2C:11–2 2C:11–3
N. J. S. 2A:113–3		2C:11–2
N. J. S. 2A:113–4		2C:11–2
N. J. S. 2A:113–5		2C:11–2 2C:11–4
N. J. S. 2A:113–6		2C:3–4 2C:3–5 2C:3–6 2C:3–7 2C:11–2
N. J. S. 2A:113–7		2C:11–2
N. J. S. 2A:113–8		2C:11–2 2C:12–3
N. J. S. 2A:113–9		2C:11–2 2C:11–5
N. J. S. 2A:114–1		2C:14–2
N. J. S. 2A:114–2		2C:14–2
N. J. S. 2A:115–1		2C:14–4
C. 2A:115–1.1	L. 1962, c. 165; As am. L. 1966, c. 199, s. 1; L. 1971, c. 449, s. 3	Not Enacted
C. 2A:115–1.1a	L. 1971, c. 449, s. 2	Not Enacted
C. 2A:115–1.1b	L. 1971, c. 449, s. 4	Repealer
C. 2A:115–1.2	L. 1966, c. 199, s. 2	Repealed L. 1971, c. 449, s. 4
C. 2A:115–1.3 through C. 2A:115–1.5	L. 1966, c. 199, ss. 3-5	Repealed L. 1971, c. 446, s. 7
C. 2A:115–1.6	L. 1971, c. 446, s. 1	2C:34–3
C. 2A:115–1.7	L. 1971, c. 446, s. 2	2C:34–2 2C:34–3

Source Sections			*Revised Sections*
C.	2A:115–1.8	L. 1971, c. 446, s. 3	2C:34–3
C.	2A:115–1.9	L. 1971, c. 446, s. 4	
C.	2A:115–1.10	L. 1971, c. 446, s. 5	
C.	2A:115–1.11	L. 1971, c. 446, s. 6	
C.	2A:115–1.12	L. 1971, c. 446, s. 7	Repealer
N. J. S.	2A:115–2	As am. L. 1957, c. 175; L. 1959, c. 97	2C:34–2
C.	2A:115–2.1	L. 1971, c. 447, s. 1	2C:34–4
C.	2A:115–2.2	L. 1971, c. 447, s. 2	2C:34–2 2C:34–4
C.	2A:115–2.3	L. 1971, c. 447, s. 3	2C:34–4
C.	2A:115–2.4	L. 1971, c. 447, s. 4	
C.	2A:115–2.5	L. 1971, c. 448, s. 1	2C:34–2 2C:34–3
C.	2A:115–2.6	L. 1971, c. 448, s. 2	2C:34–3
C.	2A:115–2.7	L. 1971, c. 448, s. 3	
C.	2A:115–2.8	L. 1971, c. 448, s. 4	
C.	2A:115–2.9	L. 1971, c. 448, s. 5	
N. J. S.	2A:115–3		Not Enacted
C.	2A:115–3.1	L. 1953, c. 392; As am. L. 1960, c. 160, s. 2	Not Enacted
C.	2A:115–3.2	L. 1957, c. 176	Repealed L. 1971, c. 446, s. 7
C.	2A:115–3.3	L. 1962, c. 166, s. 1	Not Enacted
C.	2A:115–3.4	L. 1962, c. 166, s. 2	Repealed L. 1971, c. 449, s. 4
C.	2A:115–3.5	L. 1962, c. 166, s. 3; As am. L. 1965, c. 69, s. 1	
C.	2A:115–3.6	L. 1962, c. 166, s. 4; As am. L. 1965, c. 69, s. 2	
C.	2A:115–3.7	L. 1962, c. 166, s. 5	Not Enacted
C.	2A:115–3.8	L. 1962, c. 166, s. 6	
C.	2A:115–3.9	L. 1962, c. 166, s. 7	
C.	2A:115–3.10	L. 1962, c. 166, s. 8	
N. J. S.	2A:115–4	As am. L. 1957, c. 177	Not Enacted

Source Sections			*Revised Sections*
N. J. S.	2A:115–5		Not Enacted
C.	2A:115–6	L. 1971, c. 376	Not Enacted
N. J. S.	2A:116–1		2C:21–17
N. J. S.	2A:116–2		2C:21–17
N. J. S.	2A:116–3	As am. L. 1960, c. 196; L. 1961, c. 128, s. 4; L. 1965, c. 14; L. 1966, c. 161	2C:21–17
N. J. S.	2A:117–1 through 2A:117–4		Not Enacted
N. J. S.	2A:118–1		2C:13–1
N. J. S.	2A:118–2		2C:12–3
N. J. S.	2A:119–1		2C:20–2
N. J. S.	2A:119–2	As am. L. 1957, c. 56; L. 1970, c. 298; L. 1972, c. 159, s. 1	2C:20–1 2C:20–2
N. J. S.	2A:119–3		2C:20–2
N. J. S.	2A:119–4		2C:20–2 2C:21–3
N. J. S.	2A:119–5		2C:20–2 2C:21–3
C.	2A:119–5.1	L. 1965, c. 52, s. 1	Not Enacted
C.	2A:119–5.2	L. 1965, c. 52, s. 2	2C:20–1
C.	2A:119–5.3	L. 1965, c. 52, s. 3	2C:20–2
C.	2A:119–5.4	L. 1965, c. 52, s. 4	2C:19–1
C.	2A:119–5.5	L. 1965, c. 52, s. 5	Not Enacted
N. J. S.	2A:119–6		Not Enacted
N. J. S.	2A:119–7		2C:20–2
N. J. S.	2A:119–8		2C:20–2
C.	2A:119–8.1	L. 1962, c. 201	2C:20–2
N. J. S.	2A:119–9		Not Enacted
C.	2A:119A–1	L. 1968, c. 349, s. 1; As am. L. 1970, c. 76	2C:21–19
C.	2A:119A–2	L. 1968, c. 349, s. 2	2C:20–5 2C:21–19
C.	2A:119A–3	L. 1968, c. 349, s. 3	2C:21–19
C.	2A:119A–4	L. 1968, c. 349, s. 4	2C:21–19

Source Sections		*Revised Sections*
N. J. S. 2A:120–1		Not Enacted
N. J. S. 2A:121–1		2C:37–2
N. J. S. 2A:121–2		2C:37–2
N. J. S. 2A:121–3	As am. L. 1967, c. 88, s. 1	2C:37–2 2C:37–3 2C:37–4
N. J. S. 2A:121–4		2C:37–2
N. J. S. 2A:121–5		Not Enacted
C. 2A:121–6	L. 1961, c. 39; As am. L. 1964, c. 65	2C:37–1
N. J. S. 2A:122–1		2C:17–3
N. J. S. 2A:122–2		2C:17–3 2C:21–12
N. J. S. 2A:122–3		2C:17–3 2C:21–4
N. J. S. 2A:122–4 through N. J. S. 2A:122–7		2C:17–3
N. J. S. 2A:122–8		Not Enacted
N. J. S. 2A:122–9		2C:17–3
C. 2A:122–9.1	L. 1971, c. 87, s. 2	Not Enacted
C. 2A:122–9.2	L. 1971, c. 87, s. 3	Not Enacted
C. 2A:122–10	L. 1960, c. 5	2C:17–3 2C:33–9
C. 2A:122–11	L. 1960, c. 69	2C:33–3
C. 2A:122–12	L. 1967, c. 72	2C:17–3 2C:33–9
N. J. S. 2A:123–1		2C:12–2
N. J. S. 2A:123–2		Not Enacted
C. 2A:123–3	L. 1953, c. 267, s. 1	
C. 2A:123–4	L. 1953, c. 267, s. 2	
C. 2A:123–5	L. 1953, c. 267, s. 3	
C. 2A:123–6	L. 1953, c. 267, s. 4	
C. 2A:123–7	L. 1953, c. 267, s. 5; As am. L. 1954, c. 210, s. 1	
C. 2A:123–8	L. 1953, c. 267, s. 6	Saved from Repeal (See 2C:98–3)
C. 2A:123–9	L. 1953, c. 267, s. 7	
C. 2A:123–10	L. 1953, c. 267, s. 8	

Source Sections		*Revised Sections*
C. 2A:123–11	L. 1953, c. 267, s. 9	Omitted
C. 2A:123–12	L. 1953, c. 267, s. 10; As am. L. 1954, c. 210, s. 2	Omitted
C. 2A:123–13	L. 1953, c. 267, s. 11	Omitted
C. 2A:123–14	L. 1953, c. 267, s. 12	Omitted
C. 2A:123–15	L. 1953, c. 267, s. 13	Omitted
C. 2A:123–16	L. 1975, c. 286, s. 1	Omitted
C. 2A:123–17	L. 1975, c. 286, s. 2	Omitted
C. 2A:123–18	L. 1975, c. 286, s. 3	Omitted
C. 2A:123–19	L. 1975, c. 286, s. 4	Omitted
C. 2A:123–20	L. 1975, c. 286, s. 5	Omitted
C. 2A:123–21	L. 1975, c. 286, s. 6	Omitted
C. 2A:123–22	L. 1975, c. 286, s. 7	Omitted
C. 2A:123–23	L. 1975, c. 286, s. 8	Omitted
C. 2A:123–24	L. 1975, c. 286, s. 9	Omitted
N. J. S. 2A:124–1		Not Enacted
N. J. S. 2A:124–2	As am. L. 1958, c. 158, s. 1	Not Enacted
N. J. S. 2A:125–1		2C:12–1
N. J. S. 2A:126–1 through N. J. S. 2A:126–5		2C:33–1
N. J. S. 2A:126–6		Not Enacted
N. J. S. 2A:126–7		2C:33–1
N. J. S. 2A:127–1 through N. J. S. 2A:127–3		Not Enacted
N. J. S. 2A:127–4	L. 1977, c. 426, s. 1	Not Enacted
C. 2A:127–5	L. 1964, c. 86	Not Enacted
N. J. S. 2A:128–1		2C:12–2
N. J. S. 2A:128–2 through N. J. S. 2A:128–5		Not Enacted
N. J. S. 2A:129–1		2C:12–1
N. J. S. 2A:130–1		Not Enacted
N. J. S. 2A:130–2		Not Enacted
N. J. S. 2A:130–3		2C:33–12
N. J. S. 2A:130–4		Not Enacted
N. J. S. 2A:130–5		Not Enacted

Source Sections		*Revised Sections*
N. J. S. 2A:131–1 through N. J. S. 2A:131–3		2C:28–1
N. J. S. 2A:131–4		2C:28–1 2C:28–2
N. J. S. 2A:131–5		2C:28–1 2C:28–2
N. J. S. 2A:131–6		2C:28–1
N. J. S. 2A:131–7		2C:28–1 2C:28–2
N. J. S. 2A:132–1		2C:33–3
N. J. S. 2A:133–1		2C:34–1
N. J. S. 2A:133–2		2C:34–1
N. J. S. 2A:133–3 through N. J. S. 2A:133–12		2C:34–1
N. J. S. 2A:134–1		Not Enacted
N. J. S. 2A:134–2 through N. J. S. 2A:134–4		Repealed L. 1977, c. 74, s. 14
N. J. S. 2A:135–1		Not Enacted
N. J. S. 2A:135–2		Not Enacted
N. J. S. 2A:135–3	As am. L. 1960, c. 97	2C:21–15
N. J. S. 2A:135–4		Not Enacted
N. J. S. 2A:135–5		2C:21–15
N. J. S. 2A:135–6 through N. J. S. 2A:135–8		Not Enacted
N. J. S. 2A:135–9		2C:51–2
N. J. S. 2A:135–10		2C:28–8
N. J. S. 2A:135–11		Not Enacted
N. J. S. 2A:135–12		Not Enacted
N. J. S. 2A:135–13		Not Enacted
N. J. S. 2A:136–1		Not Enacted
N. J. S. 2A:137–1 through N. J. S. 2A:137–3		Not Enacted
N. J. S. 2A:138–1	As am. L. 1952, c. 94	2C:14–2

Source Sections		*Revised Sections*
N. J. S. 2A:138–2		2C:14–2 2C:24–7
N. J. S. 2A:139–1	As am. L. 1972, c. 160, s. 1	2C:20–7
N. J. S. 2A:139–2 through N. J. S. 2A:139–4		2C:20–7
N. J. S. 2A:140–1		Not Enacted
N. J. S. 2A:140–2		Not Enacted
N. J. S. 2A:141–1		2C:19–1
N. J. S. 2A:142–1 through N. J. S. 2A:142–3		Not Enacted
C. 2A:142A–1	L. 1977, c. 329, s. 1	2C:24–4
C. 2A:142A–2	L. 1977, c. 329, s. 2	
C. 2A:142A–3	L. 1977, c. 329, s. 3	
C. 2A:142A–4	L. 1977, c. 329, s. 4	
C. 2A:142A–5	L. 1977, c. 329, s. 5	
N. J. S. 2A:143–1		2C:14–2
N. J. S. 2A:143–2		2C:14–2
N. J. S. 2A:144–1		Not Enacted
N. J. S. 2A:144–2		Not Enacted
N. J. S. 2A:145–1		Not Enacted
N. J. S. 2A:146–1		Repealed L. 1968, c. 409, s. 27
N. J. S. 2A:146–2		Not Enacted
N. J. S. 2A:146–3		Not Enacted
N. J. S. 2A:147–1		2C:21–1
N. J. S. 2A:147–2 through N. J. S. 2A:147–4		Not Enacted
N. J. S. 2A:148–1 through N. J. S. 2A:148–5		Not Enacted
N. J. S. 2A:148–6		2C:12–1
N. J. S. 2A:148–7 through N. J. S. 2A:148–22		Not Enacted

Source Sections		*Revised Sections*
C. 2A:148–22.1	L. 1957, c. 49	2C:28–4
N. J. S. 2A:148–23		Repealed L. 1955, c. 155, s. 5
N. J. S. 2A:149–1		Saved from Repeal (See 2C:98–3)
C. 2A:149A–1	L. 1967, c. 182; As am. L. 1968, c. 395, s. 1	Not Enacted
C. 2A:149A–2	L. 1968, c. 395, s. 2	Not Enacted
C. 2A:149A–3	L. 1968, c. 395, s. 3	Not Enacted
N. J. S. 2A:150–1		2C:21–7
C. 2A:150A–1	L. 1971, c. 412, s. 1; As am. L. 1973, c. 354, s. 1	Saved from Repeal (See 2C:98–3)
C. 2A:150A–2	L. 1971, c. 412, s. 2; As am. L. 1973, c. 354, s. 2	
C. 2A:150A–3	L. 1971, c. 412, s. 3	
C. 2A:150A–4	L. 1971, c. 412, s. 4	
C. 2A:150A–5	L. 1971, c. 412, s. 5	
C. 2A:150A–6	L. 1973, c. 354, s. 3	
N. J. S. 2A:151–1	As am. L. 1966, c. 60, s. 1	2C:39–1
N. J. S. 2A:151–2	As am. L. 1966, c. 60, s. 2	2C:39–11
N. J. S. 2A:151–3		2C:39–11
N. J. S. 2A:151–4	As am. L. 1966, c. 60, s. 3	Not Enacted
N. J. S. 2A:151–5	As am. L. 1959, c. 148, s. 1; L. 1963, c. 160; L. 1966, c. 60, s. 4	2C:19–1
N. J. S. 2A:151–6	As am. L. 1966, c. 60, s. 5	Not Enacted
N. J. S. 2A:151–7	As am. L. 1966, c. 60, s. 6	2C:39–2
N. J. S. 2A:151–8	As am. L. 1966, c. 60, s. 7; L. 1973, c. 174, s. 1	Not Enacted
N. J. S. 2A:151–9	As am. L. 1966, c. 60, s. 8	
N. J. S. 2A:151–10	As am. L. 1966, c. 60, s. 9; L. 1968, c. 147, s. 1	
C. 2A:151–10.1	L. 1968, c. 147, s. 3	
N. J. S. 2A:151–11	As am. L. 1966, c. 60, s. 10; L. 1967, c. 286, s. 2; L. 1968, c. 147, s. 2	2C:58–6

Source Sections		*Revised Sections*
N. J. S. 2A:151–12	As am. L. 1966, c. 60, s. 11	2C:39–9
N. J. S. 2A:151–13	As am. L. 1958, c. 91	Repealed L. 1966, c. 60, s. 12
N. J. S. 2A:151–14		2C:39–1 2C:39–3
N. J. S. 2A:151–15	As am. L. 1966, c. 60, s. 13	2C:39–1 2C:39–9
N. J. S. 2A:151–16	As am. L. 1966, c. 60, s. 14	2C:58–11 2C:64–1
N. J. S. 2A:151–17		2C:58–9
N. J. S. 2A:151–18	As am. L. 1966, c. 60, s. 15	2C:39–1
N. J. S. 2A:151–19	As am. L. 1966, c. 60, s. 16; L. 1971, c. 282, s. 1	2C:58–1
N. J. S. 2A:151–20		2C:58–1
N. J. S. 2A:151–21		2C:58–1
N. J. S. 2A:151–22	As am. L. 1966, c. 60, s. 17	2C:58–1
N. J. S. 2A:151–23		Not Enacted
N. J. S. 2A:151–24	As am. L. 1966, c. 60, s. 18; L. 1971, c. 282, s. 2; L. 1973, c. 264	2C:58–2
N. J. S. 2A:151–25	As am. L. 1966, c. 60, s. 19	2C:58–2
N. J. S. 2A:151–26	As am. L. 1966, c. 60, s. 20	2C:58–2
N. J. S. 2A:151–27	As am. L. 1966, c. 60, s. 21	2C:58–2
N. J. S. 2A:151–28	As am. L. 1966, c. 60, s. 22	2C:58–2
N. J. S. 2A:151–29		Repealed L. 1966, c. 60, s. 23
N. J. S. 2A:151–30		Repealed L. 1966, c. 60, s. 24
N. J. S. 2A:151–31		Not Enacted
N. J. S. 2A:151–32	As am. L. 1954, c. 67; L. 1966, c. 60, s. 25	2C:58–3
N. J. S. 2A:151–33	As am. L. 1966, c. 60, s. 26; L. 1973, c. 174, s. 2	2C:58–3
N. J. S. 2A:151–34	As am. L. 1966, c. 60, s. 27	
N. J. S. 2A:151–35	As am. L. 1966, c. 60, s. 28	
N. J. S. 2A:151–36	As am. L. 1966, c. 60, s. 29	

Source Sections		*Revised Sections*
N. J. S. 2A:151–37		2C:58–3
N. J. S. 2A:151–38	As am. L. 1966, c. 60, s. 30	2C:58–3
N. J. S. 2A:151–39	As am. L. 1966, c. 60, s. 31	2C:58–3
N. J. S. 2A:151–40		Not Enacted
N. J. S. 2A:151–41	As am. L. 1960, c. 26; L. 1966, c. 60, s. 32; L. 1968, c. 307	2C:39–3 2C:39–4 2C:39–5
C. 2A:151–41.1	L. 1969, c. 157, s. 1	2C:39–5
C. 2A:151–41.2	L. 1969, c. 157, s. 2	2C:39–5
N. J. S. 2A:151–42	As am. L. 1966, c. 60, s. 33	2C:39–6
N. J. S. 2A:151–43	As am. L. 1952, c. 308; L. 1953, c. 398; L. 1955, c. 265; L. 1956, c. 191, s. 2; L. 1960, c. 113; L. 1963, c. 174; L. 1966, c. 60, s. 34; L. 1968, c. 41, s. 2; L. 1970, c. 245; L. 1971, c. 427, s. 1	2C:39–6
N. J. S. 2A:151–44	L. 1966, c. 60, s. 35	2C:58–4
C. 2A:151–44.1	L. 1966, c. 60, s. 36	2C:58–4
C. 2A:151–44.2	L. 1966, c. 60, s. 37	2C:58–4
N. J. S. 2A:151–45	As am. L. 1959, c. 32; L. 1966, c. 60, s. 38	2C:58–3 2C:58–4
N. J. S. 2A:151–46		Not Enacted
N. J. S. 2A:151–47		Not Enacted
N. J. S. 2A:151–48	As am. L. 1966, c. 60, s. 39	2C:39–10
N. J. S. 2A:151–49	As am. L. 1966, c. 60, s. 40	2C:39–1
N. J. S. 2A:151–50		2C:39–5 2C:39–9
N. J. S. 2A:151–51		Not Enacted
N. J. S. 2A:151–52		2C:58–5
N. J. S. 2A:151–53	As am. L. 1966, c. 60, s. 41	2C:58–5
N. J. S. 2A:151–54		Not Enacted
N. J. S. 2A:151–55		2C:39–10
N. J. S. 2A:151–56	As am. L. 1959, c. 148, s. 2	2C:39–4
N. J. S. 2A:151–57		Not Enacted

Source Sections			*Revised Sections*
C.	2A:151–57.1	L. 1966, c. 60, s. 42	2C:58–10
C.	2A:151–57.2	L. 1966, c. 60, s. 43	Not Enacted
C.	2A:151–57.3	L. 1966, c. 60, s. 44	Omitted
N. J. S.	2A:151–58		Not Enacted
N. J. S.	2A:151–59	As am. L. 1968, c. 100	2C:39–1
N. J. S.	2A:151–60		2C:39–9
N. J. S.	2A:151–61	As am. L. 1970, c. 328	Not Enacted
C.	2A:151–62	L. 1952, c. 5, s. 1; As am. L. 1959, c. 29	2C:39–1 2C:39–9
C.	2A:151–63	L. 1952, c. 5, s. 2	Not Enacted
N. J. S.	2A:152–1 through 2A:152–4		Saved from Repeal (See 2C:98–3)
N. J. S.	2A:152–5		Not Enacted
N. J. S.	2A:152–6		2C:64–1 2C:64–6
N. J. S.	2A:152–7		2C:64–1 2C:64–3
N. J. S.	2A:152–8		2C:64–4
N. J. S.	2A:152–9		2C:64–3 2C:64–4
C.	2A:152–9.1	L. 1962, c. 160, s. 1	Not Enacted
C.	2A:152–9.2	L. 1962, c. 160, s. 2	2C:64–3
C.	2A:152–9.3	L. 1962, c. 160, s. 3	2C:64–3
C.	2A:152–9.4	L. 1962, c. 160, s. 4	Not Enacted
C.	2A:152–9.5	L. 1962, c. 160, s. 5	Not Enacted
N. J. S.	2A:152–10		2C:64–4
N. J. S.	2A:152–11		Not Enacted
N. J. S.	2A:152–12		Saved from Repeal (See 2C:98–3)
N. J. S.	2A:152–13		
N. J. S.	2A:152–14		Not Enacted
C.	2A:152–15	L. 1952, c. 212, s. 1	Not Enacted
C.	2A:152–16	L. 1952, c. 212, s. 2	Not Enacted
C.	2A:152–17	L. 1956, c. 134, s. 1	Saved from Repeal (See 2C:98–3)
C.	2A:152–18	L. 1956, c. 134, s. 2	
C.	2A:152–19	L. 1956, c. 134, s. 3	

Source Sections		*Revised Sections*
N. J. S. 2A:153–1 through N. J. S. 2A:153–3		[Saved from Repeal (See 2C:98–3)
C. 2A:153–4	L. 1967, c. 171	
N. J. S. 2A:154–1		
N. J. S. 2A:154–2		[Saved from Repeal (See 2C:98–3)
N. J. S. 2A:154–3	As am. L. 1968, c. 326; L. 1968, c. 398	
C. 2A:154–4	L. 1968, c. 427	
N. J. S. 2A:155–1 through N. J. S. 2A:155–7		[Saved from Repeal (See 2C:98–3)
N. J. S. 2A:156–1 through N. J. S. 2A:156–4		[Saved from Repeal (See 2C:98–3)
C. 2A:156A–1	L. 1968, c. 409, s. 1	
C. 2A:156A–2	L. 1968, c. 409, s. 2; As am. L. 1978, c. 51, s. 1	
C. 2A:156A–3	L. 1968, c. 409, s. 3	
C. 2A:156A–4	L. 1968, c. 409, s. 4; As am. L. 1975, c. 131, s. 1; L. 1978, c. 51, s. 2	
C. 2A:156A–5	L. 1968, c. 409, s. 5; As am. L. 1975, c. 131, s. 2	
C. 2A:156A–6	L. 1968, c. 409, s. 6; As am. L. 1975, c. 131, s. 3	
C. 2A:156A–7	L. 1968, c. 409, s. 7	
C. 2A:156A–8	L. 1968, c. 409, s. 8; As am. L. 1975, c. 131, s. 4; L. 1978, c. 51, s. 3	
C. 2A:156A–9	L. 1968, c. 409, s. 9; As am. L. 1975, c. 131, s. 5	
C. 2A:156A–10	L. 1968, c. 409, s. 10; As am. L. 1975, c. 131, s. 6	
C. 2A:156A–11	L. 1968, c. 409, s. 11; As am. L. 1975, c. 131, s. 7; L. 1978, c. 51, s. 4	
C. 2A:156A–12	L. 1968, c. 409, s. 12; As am. L. 1975, c. 131, s. 8; L. 1978, c. 51, s. 5	[Saved from Repeal (See 2C:98–3)
C. 2A:156A–13	L. 1968, c. 409, s. 13	

Source Sections			*Revised Sections*
C.	2A:156A–14	L. 1968, c. 409, s. 14	
C.	2A:156A–15	L. 1968, c. 409, s. 15	[Saved from
C.	2A:156A–16	L. 1968, c. 409, s. 16; As am. L. 1978, c. 51, s. 6	{Repeal (See [2C:98–3)
C.	2A:156A–17	L. 1968, c. 409, s. 17; As am. L. 1975, c. 131, s. 9	
C.	2A:156A–18	L. 1968, c. 409, s. 18	
C.	2A:156A–19	L. 1968, c. 409, s. 19	
C.	2A:156A–20	L. 1968, c. 409, s. 20	
C.	2A:156A–21	L. 1968, c. 409, s. 21; As am. L. 1975, c. 131, s. 10; L. 1978, c. 51, s. 7	
C.	2A:156A–22	L. 1968, c. 409, s. 22	
C.	2A:156A–23	L. 1968, c. 409, s. 23; As am. L. 1975, c. 131, s. 11; L. 1978, c. 51, s. 8	
C.	2A:156A–24	L. 1968, c. 409, s. 24	
C.	2A:156A–25	L. 1968, c. 409, s. 25	
C.	2A:156A–26	L. 1968, c. 409, s. 26	
N. J. S.	2A:157–1		[Saved from {Repeal (See [2C:98–3)
N. J. S.	2A:157–2		
C.	2A:157–2.1	L. 1977, c. 438, s. 2	Omitted
N. J. S.	2A:157–3	As am. L. 1959, c. 161, s. 1; L. 1966, c. 266; L. 1974, c. 171	
N. J. S.	2A:157–4	As am. L. 1959, c. 161, s. 2; L. 1961, c. 97; L. 1967, c. 210; L. 1970, c. 260; L. 1973, c. 203, s. 1; L. 1977, c. 79	
N. J. S.	2A:157–5	As am. L. 1959, c. 161, s. 3	
N. J. S.	2A:157–6	As am. L. 1959, c. 161, s. 4; L. 1973, c. 278	
N. J. S.	2A:157–7	As am. L. 1959, c. 161, s. 5	[Saved from
N. J. S.	2A:157–8	As am. L. 1974, c. 5; L. 1975, c. 234	{Repeal (See [2C:98–3)
N. J. S.	2A:157–9	As am. L. 1959, c. 161, s. 6; L. 1975, c. 280, s. 1	

Source Sections		*Revised Sections*
N. J. S. 2A:157–10		
N. J. S. 2A:157–11	As am. L. 1959, c. 161, s. 7; L. 1966, c. 265	
N. J. S. 2A:157–12	As am. L. 1959, c. 161, s. 8; L. 1969, c. 308; L. 1970, c. 259	
N. J. S. 2A:157–13	As am. L. 1959, c. 161, s. 9	
N. J. S. 2A:157–14	As am. L. 1959, c. 161, s. 10	
N. J. S. 2A:157–15	As am. L. 1959, c. 161, s. 11	
N. J. S. 2A:157–16	As am. L. 1959, c. 161, s. 12; L. 1975, c. 280, s. 2	
N. J. S. 2A:157–17 through N. J. S. 2A:157–21		
N. J. S. 2A:157–22	L. 1953, c. 385	
N. J. S. 2A:157–23		
N. J. S. 2A:158–1		
C. 2A:158–1.1	L. 1970, c. 6, s. 1 As am. L. 1972, c. 33; L. 1975, c. 149; L. 1976, c. 15; L. 1976, c. 118, s. 1; L. 1978, c. 6, s. 2; L. 1978, c. 24, s. 1	
C. 2A:158–1.2	L. 1970, c. 6, s. 2	Saved from Repeal (See 2C:98–3)
N. J. S. 2A:158–2		
N. J. S. 2A:158–3		
N. J. S. 2A:158–4	As am. L. 1970, c. 74, s. 20	
N. J. S. 2A:158–5 through N. J. S. 2A:158–9		
N. J. S. 2A:158–10	As am. L. 1952, c. 263, s. 1; L. 1961, c. 41, s. 1; L. 1968, c. 145, s. 1	
N. J. S. 2A:158–11		Repealed L. 1961, c. 41, s. 4
N. J. S. 2A:158–12		
N. J. S. 2A:158–12.1		

Source Sections		*Revised Sections*
N. J. S. 2A:158–12.2		Repealed L. 1968, c. 145, s. 2
N. J. S. 2A:158–13		Saved from Repeal (See 2C:98–3)
N. J. S. 2A:158–14		Repealed L. 1970, c. 74, s. 22
N. J. S. 2A:158–15	As am. L. 1961, c. 41, s. 2	Saved from Repeal (See 2C:98–3)
C. 2A:158–15.1	L. 1970, c. 6, s. 3	
C. 2A:158–15.1a	L. 1976, c. 15, s. 2; As am. L. 1976, c. 118, s. 2; L. 1978, c. 6, s. 2; L. 1978, c. 24, s. 3	Omitted
C. 2A:158–15.2	L. 1970, c. 6, s. 4; As am. L. 1970, c. 108; L. 1978, c. 24, s. 2	Saved from Repeal (See 2C:98–3)
N. J. S. 2A:158–16	As am. L. 1952, c. 263, s. 2; L. 1961, c. 41, s. 3	
C. 2A:158–16.1	L. 1957, c. 128	
N. J. S. 2A:158–17		Repealed L. 1961, c. 41, s. 4
C. 2A:158–17.1	L. 1952, c. 134, s. 1	Repealed L. 1961, c. 41, s. 4
C. 2A:158–17.2	L. 1952, c. 134, s. 2	Repealed L. 1961, c. 41, s. 4
C. 2A:158–17.3	L. 1953, c. 178	Repealed L. 1961, c. 41, s. 4
N. J. S. 2A:158–18		Saved from Repeal (See 2C:98–3)
C. 2A:158–18.1	L. 1953, c. 307, s. 1	
C. 2A:158–18.2	L. 1953, c. 307, s. 2	
N. J. S. 2A:158–19		
N. J. S. 2A:158–20		
C. 2A:158–21	L. 1964, c. 168	

Source Sections			*Revised Sections*
C.	2A:158A–1	L. 1967, c. 43, s. 1	
C.	2A:158A–2	L. 1967, c. 43, s. 2	
C.	2A:158A–3	L. 1967, c. 43, s. 3; As am. L. 1974, c. 27, s. 9	
C.	2A:158A–4	L. 1967, c. 43, s. 4	
C.	2A:158A–5	L. 1967, c. 43, s. 5	
C.	2A:158A–5.1	L. 1974, c. 33, s. 2	
C.	2A:158A–5.2	L. 1974, c. 33, s. 3	
C.	2A:158A–6	L. 1967, c. 43, s. 6	
C.	2A:158A–7	L. 1967, c. 43, s. 7; As am. L. 1970, c. 308; L. 1972, c. 168	
C.	2A:158A–8	L. 1967, c. 43, s. 8	Saved from Repeal (See 2C:98–3)
C.	2A:158A–9	L. 1967, c. 43, s. 9	
C.	2A:158A–10	L. 1967, c. 43, s. 10	
C.	2A:158A–11	L. 1967, c. 43, s. 11	
C.	2A:158A–12	L. 1967, c. 43, s. 12	
C.	2A:158A–13	L. 1967, c. 43, s. 13	
C.	2A:158A–14	L. 1967, c. 43, s. 14	
C.	2A:158A–15	L. 1967, c. 43, s. 15	
C.	2A:158A–16	L. 1967, c. 43, s. 16	
C.	2A:158A–17	L. 1967, c. 43, s. 17; As am. L. 1968, c. 371, s. 1; L. 1969, c. 29, s. 1	
C.	2A:158A–18	L. 1967, c. 43, s. 18	
C.	2A:158A–19	L. 1967, c. 43, s. 19; As am. L. 1969, c. 29, s. 2	
C.	2A:158A–20	L. 1967, c. 43, s. 20	
C.	2A:158A–21	L. 1967, c. 43, s. 21	Repealed L. 1969, c. 305
C.	2A:158A–22	L. 1967, c. 43, s. 22	Saved from Repeal (See 2C:98–3)
C.	2A:158A–23	L. 1968, c. 371, s. 2	
C.	2A:158A–24	L. 1968, c. 371, s. 3; As am. L. 1974, c. 33, s. 1	Saved from Repeal (See 2C:98–3)
C.	2A:158A–25	L. 1968, c. 371, s. 4	
N. J. S.	2A:159–1		Not Enacted

Source Sections		*Revised Sections*
N. J. S. 2A:159–2	As am. L. 1953, c. 204	2C:1–6
N. J. S. 2A:159–3	As am. L. 1977, c. 214, s. 8	2C:1–6
C. 2A:159–4	L. 1952, c. 74; As am. L. 1953, c. 243	2C:1–6
C. 2A:159A–1	L. 1958, c. 12, s. 1	
C. 2A:159A–2	L. 1958, c. 12, s. 1	
C. 2A:159A–3	L. 1958, c. 12, s. 1	
C. 2A:159A–4	L. 1958, c. 12, s. 1	
C. 2A:159A–5	L. 1958, c. 12, s. 1	
C. 2A:159A–6	L. 1958, c. 12, s. 1	
C. 2A:159A–7	L. 1958, c. 12, s. 1	Saved from Repeal (See 2C:98–3)
C. 2A:159A–8	L. 1958, c. 12, s. 1	
C. 2A:159A–9	L. 1958, c. 12, s. 1	
C. 2A:159A–10	L. 1958, c. 12, s. 2	
C. 2A:159A–11	L. 1958, c. 12, s. 3	
C. 2A:159A–12	L. 1958, c. 12, s. 4	
C. 2A:159A–13	L. 1958, c. 12, s. 5	
C. 2A:159A–14	L. 1958, c. 12, s. 6	
C. 2A:159A–15	L. 1958, c. 12, s. 7	
N. J. S. 2A:160–1 through N. J. S. 2A:160–35		Saved from Repeal (See 2C:98–3)
N. J. S. 2A:161–1		Saved from Repeal (See 2C:98–3)
N. J. S. 2A:162–1 through N. J. S. 2A:162–4		
N. J. S. 2A:162–5	As am. L. 1954, c. 233	
N. J. S. 2A:162–6 through N. J. S. 2A:162–8		Saved from Repeal (See 2C:98–3)
C. 2A:162–9	L. 1952, c. 163, s. 1	
C. 2A:162–10	L. 1952, c. 163, s. 2	
C. 2A:162–11	L. 1974, c. 93	Omitted
N. J. S. 2A:163–1		Saved from Repeal (See 2C:98–3)

Source Sections		*Revised Sections*
N. J. S. 2A:163–2		2C:4–1 2C:4–4 2C:4–6 2C:4–7
N. J. S. 2A:163–3		2C:4–1 2C:4–3
N. J. S. 2A:164–1		Saved from Repeal (See 2C:98–3)
N. J. S. 2A:164–2		2C:44–6
N. J. S. 2A:164–3	As am. L. 1954, c. 151; L. 1954, c. 245, s. 1; L. 1957, c. 25; L. 1967, c. 274, s. 1	2C:47–1
N. J. S. 2A:164–4		2C:47–2
N. J. S. 2A:164–5	As am. L. 1956, c. 37; L. 1958, c. 161; L. 1967, c. 274, s. 2	2C:47–3
N. J. S. 2A:164–6		2C:47–3
N. J. S. 2A:164–7		2C:47–4
N. J. S. 2A:164–8		2C:47–5
N. J. S. 2A:164–9		2C:47–3
N. J. S. 2A:164–10		2C:47–6
N. J. S. 2A:164–11	As am. L. 1954, c. 245, s. 2	2C:47–7
N. J. S. 2A:164–12		2C:47–5
N. J. S. 2A:164–13		Not Enacted
N. J. S. 2A:164–14		Not Enacted
N. J. S. 2A:164–15	As am. L. 1953, c. 421	2C:43–10
N. J. S. 2A:164–16	As am. L. 1975, c. 76	Not Enacted
N. J. S. 2A:164–17	As am. L. 1953, c. 276; L. 1954, c. 174	Not Enacted
N. J. S. 2A:164–18		2C:43–10
N. J. S. 2A:164–19		Not Enacted
N. J. S. 2A:164–20		Not Enacted
N. J. S. 2A:164–21		Not Enacted
N. J. S. 2A:164–22		2C:43–10
N. J. S. 2A:164–23		2C:43–10
N. J. S. 2A:164–24	As am. L. 1968, c. 255	Not Enacted
N. J. S. 2A:164–25		2C:46–3

Source Sections		*Revised Sections*
N. J. S. 2A:164–26		Not Enacted
N. J. S. 2A:164–27		Not Enacted
N. J. S. 2A:164–28	As am. L. 1975, c. 383	2C:51–4
N. J. S. 2A:165–1 through N. J. S. 2A:165–12		Not Enacted
N. J. S. 2A:166–1 through N. J. S. 2A:166–5		Not Enacted
N. J. S. 2A:166–6	As am. L. 1971, c. 2, s. 8	Not Enacted
N. J. S. 2A:166–7		Not Enacted
N. J. S. 8A:166–8 through N. J. S. 2A:166–10		[Saved from Repeal (See 2C:98–3)
N. J. S. 2A:166–11		2C:46–2
N. J. S. 2A:166–12		[Saved from Repeal (See 2C:98–3)
N. J. S. 2A:166–13		
N. J. S. 2A:166–14		2C:46–2
N. J. S. 2A:166–15		Not Enacted
N. J. S. 2A:166–16	As am. L. 1963, c. 142, s. 2; L. 1975, c. 144, s. 2	Not Enacted
N. J. S. 2A:166–17 through N. J. S. 2A:166–19		[Saved from Repeal (See 2C:98–3)
C. 2A:166A–1	L. 1960, c. 24, s. 1	
C. 2A:166A–2	L. 1960, c. 24, s. 2	
C. 2A:166A–3	L. 1960, c. 24, s. 3	
C. 2A:166A–4*	L. 1960, c. 24, s. 4	

* These sections are in the repealer section (2C:98–2) and in the saved from repeal section (2C:98–3).

N. J. S. 2A:167–1 through N. J. S. 2A:167–3		Not Enacted
N. J. S. 2A:167–4 through N. J. S. 2A:167–11		[Saved from Repeal (See 2C:98–3)
N. J. S. 2A:167–12	As am. L. 1953, c. 275	

Source Sections		*Revised Sections*
N. J. S. 2A:168–1	As am. L. 1952, c. 267	2C:44–1 2C:45–1 2C:45–2
N. J. S. 2A:168-2		2C:45–1 2C:45–2 2C:46–1
N. J. S. 2A:168–3		2C:44–6
N. J. S. 2A:168–4		2C:45–2 2C:45–3 2C:45–4
N. J. S. 2A:168–5	As am. L. 1953, c. 311, s. 1	
N. J. S. 2A:168–6		
N. J. S. 2A:168–7		
N. J. S. 2A:168–8	As am. L. 1953, c. 311, s. 2	
N. J. S. 2A:168–9 through N. J. S. 2A:168–17		
C. 2A:168–18	L. 1953, c. 83, s. 1	Saved from Repeal (See 2C:98–3)
C. 2A:168–19	L. 1953, c. 83, s. 2	
C. 2A:168–20	L. 1953, c. 83, s. 3	
C. 2A:168–21	L. 1953, c. 83, s. 4	
C. 2A:168–22	L. 1953, c. 83, s. 5	
C. 2A:168–23	L. 1953, c. 83, s. 6	
C. 2A:168–24	L. 1953, c. 83, s. 7	
C. 2A:168–25	L. 1953, c. 83, s. 8	
C. 2A:168A–1	L. 1968, c. 282, s. 1; As am. L. 1974, c. 161, s. 2	
C. 2A:168A–2	L. 1968, c. 282, s. 2;	Saved from Repeal (See 2C:98–3)
C. 2A:168A–3	As am. L. 1974, c. 161, s. 3 L. 1968, c. 282, s. 3; As am. L. 1974, c. 161, s. 4	
C. 2A:168A–4	L. 1974, c. 161, s. 5	
C. 2A:168A–5	L. 1974, c. 161, s. 6	Omitted
C. 2A:168A–6	L. 1974, c. 161, s. 7	
N. J. S. 2A:169–1 through N. J. S. 2A:169–3		Not Enacted
N. J. S. 2A:169–4	As am. L. 1968, c. 113	2C:1–4 2C:43–8

Source Sections		*Revised Sections*
N. J. S. 2A:169–5	As am. L. 1963, c. 142, s. 3; L. 1975, c. 144, s. 3	Not Enacted
N. J. S. 2A:169–6	As am. L. 1965, c. 104	Not Enacted
N. J. S. 2A:169–7 through N. J. S. 2A:169–9		Not Enacted
N. J. S. 2A:169–10		2C:1–6
C. 2A:169–11	L. 1968, c. 279	2C:51–4
C. 2A:169A–1 through C. 2A:169A–10	L. 1952, c. 230, ss.1-10	Repealed L. 1971, c. 231, s. 1
N. J. S. 2A:170–1		Not Enacted
N. J. S. 2A:170–2		Not Enacted
N. J. S. 2A:170–3		2C:5–5
C. 2A:170–3.1	L. 1971, c. 315, s. 1	2C:5–6
C. 2A:170–3.2	L. 1971, c. 315, s. 2	
C. 2A:170–3.3	L. 1971, c. 315, s. 3	
N. J. S. 2A:170–4		Not Enacted
N. J. S. 2A:170–5		2C:14–4 2C:34–1
N. J. S. 2A:170–6		2C:34–5
N. J. S. 2A:170–7		Not Enacted
N. J. S. 2A:170–8	As am. L. 1957, c. 109; L. 1964, c. 227	Repealed L. 1970, c. 226, s. 47
N. J. S. 2A:170–9	As am. L. 1971, c. 87, s. 1	2C:12–3 2C:28–4 2C:33–3
N. J. S. 2A:170–10		Not Enacted
N. J. S. 2A:170–11		Not Enacted
N. J. S. 2A:170–12		Repealed L. 1971, c. 98
N. J. S. 2A:170–13		Repealed L. 1971, c. 98
N. J. S. 2A:170–14		Not Enacted
N. J. S. 2A:170–15		Repealed L. 1971, c. 98
N. J. S. 2A:170–16		Not Enacted
N. J. S. 2A:170–17		2C:39–10 2C:58–7

Source Sections		*Revised Sections*
N. J. S. 2A:170–18	As am. L. 1967, c. 88, s. 2	2C:37–3
N. J. S. 2A:170–19		2C:21–17
N. J. S. 2A:170–20	As am. L. 1954, c. 181, s. 1; L. 1975, c. 30	
C. 2A:170–20.1	L. 1954, c. 181, s. 2	Saved from Repeal (See 2C:98–3)
C. 2A:170–20.2	L. 1954, c. 181, s. 3	
C. 2A:170–20.3	L. 1954, c. 181, s. 4	
C. 2A:170–20.4	L. 1954, c. 181, s. 5	
C. 2A:170–20.5	L. 1954, c. 181, s. 6	2C:28–8
C. 2A:170–20.6	L. 1954, c. 181, s. 7	Omitted
C. 2A:170–20.7	L. 1954, c. 181, s. 8	Omitted
C. 2A:170–20.8	L. 1955, c. 105	Not Enacted
C. 2A:170–20.9	L. 1956, c. 230, s. 1	Saved from Repeal (See 2C:98–3)
C. 2A:170–20.10	L. 1956, c. 230, s. 2	
C. 2A:170–20.11	L. 1975, c. 183, s. 1	Omitted
C. 2A:170–20.12	L. 1975, c. 183, s. 2	
N. J. S. 2A:170–21		Not Enacted
N. J. S. 2A:170–22		Repealed L. 1977, c. 74, s. 14
N. J. S. 2A:170–23		Repealed L. 1977, c. 74, s. 14
N. J. S. 2A:170–24		Repealed L. 1977, c. 74, s. 14
N. J. S. 2A:170–25		Not Enacted
C. 2A:170–25.1	L. 1952, c. 136	Saved from Repeal (See 2C:98–3)
C. 2A:170–25.2	L. 1953, c. 67; As am. L. 1954, c. 157; L. 1971, c. 325, s. 1	2C:40–1
C. 2A:170–25.3	L. 1954, c. 147	Not Enacted
C. 2A:170–25.4	L. 1955, c. 213	Not Enacted
C. 2A:170–25.5	L. 1955, c. 250	2C:40–2
C. 2A:170–25.6	L. 1957, c. 34, s. 1	Repealed L. 1971, c. 450, s. 3

Source Sections			*Revised Sections*
C.	2A:170–25.7	L. 1959, c. 194	2C:39–10 2C:58–8
C.	2A:170–25.8	L. 1964, c. 178	Not Enacted
C.	2A:170–25.9	L. 1965, c. 41, s. 1; As am. L. 1966, c. 295, s. 1; L. 1971, c. 260, s. 1	
C.	2A:170–25.10	L. 1965, c. 41, s. 2; As am. L. 1971, c. 260, s. 2	
C.	2A:170–25.11	L. 1965, c. 41, s. 3; As am. L. 1971, c. 260, s. 3	Saved from Repeal (See 2C:98–3)
C.	2A:170–25.12	L. 1965, c. 41, s. 4; As am. L. 1971, c. 260, s. 4; L. 1971, c. 364	
C.	2A:170–25.13	L. 1965, c. 41, s. 5	
C.	2A:170–25.14	L. 1966, c. 150, s. 1	Not Enacted
C.	2A:170–25.15	L. 1966, c. 150, s. 2	Not Enacted
C.	2A:170–25.16	L. 1970, c. 133	2C:40–1
C.	2A:170–25.17	L. 1972, c. 143; As am. L. 1973, c. 113	Saved from Repeal (See 2C:98–3)
C.	2A:170–25.18	L. 1973, c. 258, s. 1	
C.	2A:170–25.19	L. 1973, c. 258, s. 2	Not Enacted
C.	2A:170–25.20	L. 1973, c. 258, s. 3	
C.	2A:170–25.21	L. 1977, c. 244, s. 1	Omitted
C.	2A:170–25.22	L. 1977, c. 244, s. 2	Omitted
C.	2A:170–25.23	L. 1977, c. 244, s. 3	Omitted
N. J. S.	2A:170–26		2C:12–1 2C:33–2 2C:33–4
N. J. S.	2A:170–27		2C:12–1 2C:33–2
N. J. S.	2A:170–28		2C:12–3 2C:33–2 2C:33–8
N. J. S.	2A:170–29	As am. L. 1965, c. 172	2C:12–3 2C:33–2 2C:33–4
N. J. S.	2A:170–30		2C:33–2
C.	2A:170–30.1	L. 1972, c. 159, s. 2	Not Enacted
N. J. S.	2A:170–31		2C:18–3
C.	2A:170–31.1	L. 1956, c. 185	Not Enacted

Source Sections		*Revised Sections*
N. J. S. 2A:170–32		2C:17–3
N. J. S. 2A:170–33	As am. L. 1954, c. 16, s. 1	Not Enacted
N. J. S. 2A:170–34		Not Enacted
N. J. S. 2A:170–35 through N. J. S. 2A:170–37		2C:17–3
N. J. S. 2A:170–38	As am. L. 1972, c. 142	2C:20–10
N. J. S. 2A:170–39		2C:17–3
N. J. S. 2A:170–40		Not Enacted
N. J. S. 2A:170–41		Not Enacted
C. 2A:170–41.1	L. 1972, c. 160, s. 2	Not Enacted
N. J. S. 2A:170–42		2C:21–7
N. J. S. 2A:170–43		Not Enacted
N. J. S. 2A:170–44		Not Enacted
N. J. S. 2A:170–45		Repealed L. 1964, c. 294, s. 3
N. J. S. 2A:170–46 through N. J. S. 2A:170–48		Not Enacted
N. J. S. 2A:170–49		2C:21–18
N. J. S. 2A:170–50		Repealed L. 1971, c. 98
C. 2A:170–50.1	L. 1956, c. 195, s. 1; As am. L. 1957, c. 125, s. 1	2C:21–8
C. 2A:170–50.2	L. 1956, c. 195, s. 1; As am. L. 1957, c. 125, s. 2	2C:21–8
C. 2A:170–50.3	L. 1956, c. 195, s. 3; As am. L. 1957, c. 125, s. 3	2C:21–8
C. 2A:170–50.4	L. 1965, c. 184, s. 3	2C:21–5
C. 2A:170–50.5	L. 1965, c. 184, s. 4	2C:21–5
C. 2A:170–50.6	L. 1965, c. 184, s. 5	2C:21–5
N. J. S. 2A:170–51		Saved from Repeal (See 2C:98–3)
N. J. S. 2A:170–52		Repealed L. 1971, c. 98
N. J. S. 2A:170–53		Not Enacted

Source Sections		*Revised Sections*
N. J. S.	2A :170–54	Repealed L. 1971, c. 98
C.	2A :170–54.1 L. 1957, c. 203; As am. L. 1962, c. 36	Not Enacted
C.	2A :170–54.2 L. 1968, c. 324	2C :12–2
N. J. S.	2A :170–55 through 2A :170–57	Not Enacted
N. J. S.	2A :170–58	2C :18–3
N. J. S.	2A :170–59 As am. L. 1965, c. 68; L. 1972, c. 140	2C :18–3
N. J. S.	2A :170–60 As am. L. 1966, c. 231	2C :33–14
N. J. S.	2A :170–61 As am. L. 1966, c. 25	Not Enacted
N. J. S.	2A :170–62	Not Enacted
N. J. S.	2A :170–63	2C :20–8
N. J. S.	2A :170–64	2C :20–8
C.	2A :170–64.1 L. 1953, c. 68	Not Enacted
C.	2A :170–64.2 L. 1961, c. 139	Not Enacted
N. J. S.	2A :170–65 As am. L. 1972, c. 85	2C :33–13
N. J. S.	2A :170–66	Not Enacted
N. J. S.	2A :170–67	Not Enacted
C.	2A :170–67.1 L. 1954, c. 16	Not Enacted
N. J. S.	2A :170–68	Not Enacted
N. J. S.	2A :170–69	Not Enacted
C.	2A :170–69.1 L. 1954, c. 137; As am. L. 1977, c. 111, s. 1	Not Enacted
C.	2A :170–69.1a L. 1958, c. 170, s. 1; As am. L. 1977, c. 112, s. 1	Not Enacted
C.	2A :170–69.1b L. 1958, c. 170, s. 2	Not Enacted
C.	2A :170–69.2 L. 1955, c. 245, s. 2	Not Enacted
C.	2A :170–69.3 L. 1955, c. 245, s. 3	Not Enacted
C.	2A :170–69.4 L. 1964, c. 53, s. 1; As am. L. 1974, c. 116, s. 1; L. 1976, c. 122, s. 1	2C :17–4
C.	2A :170–69.4a L. 1974, c. 116, s. 3	Repealed L. 1976, c. 122, s. 2
C.	2A :170–69.5 L. 1964, c. 53, s. 2; As am. L. 1974, c. 116, s. 2	2C :17–5
C.	2A :170–69.6 L. 1964, c. 53, s. 3; As am. L. 1974, c. 116, s. 4	2C :17–5

Source Sections		*Revised Sections*
C. 2A:170–69.7	L. 1968, c. 288, s. 1	Not Enacted
C. 2A:170–69.8	L. 1968, c. 288, s. 2	Not Enacted
N. J. S. 2A:170–70		Not Enacted
N. J. S. 2A:170–71		Not Enacted
N. J. S. 2A:170–72		2C:21–7
N. J. S. 2A:170–73 through N. J. S. 2A:170–76		Not Enacted
N. J. S. 2A:170–77		Saved from Repeal (See 2C:98–3)
N. J. S. 2A:170–77.1		Repealed L. 1955, c. 277, s. 5
C. 2A:170–77.2	L. 1955, c. 48	
C. 2A:170–77.2a	L. 1962, c. 174, s. 1	
C. 2A:170–77.2b	L. 1962, c. 174, s. 2	
C. 2A:170–77.3	L. 1955, c. 277, s. 1; As am. L. 1963, c. 81, s. 1; L. 1975, c. 98, s. 2	
C. 2A:170–77.4	L. 1955, c. 277, s. 2; As am. L. 1975, c. 98, s. 3	
C. 2A:170–77.5	L. 1955, c. 277, s. 3; As am. L. 1963, c. 81, s. 2; L. 1975, c. 98, s. 4	
C. 2A:170–77.6	L. 1955, c. 277, s. 4	Saved from Repeal (See 2C:98–3)
C. 2A:170–77.7	L. 1955, c. 277, s. 5	
C. 2A:170–77.8	L. 1962, c. 113, s. 1; As am. L. 1964, c. 225, s. 1; L. 1966, c. 314, s. 5; L. 1970, c. 226, s. 44	
C. 2A:170–77.9	L. 1962, c. 113, s. 2; As am. L. 1966, c. 314, s. 6; L. 1970, c. 226, s. 45	
C. 2A:170–77.10	L. 1962, c. 113, s. 3; As am. L. 1964, c. 225, s. 2; L. 1971, c. 38	
C. 2A:170–77.11	L. 1962, c. 113, s. 4; As am. L. 1964, c. 225, s. 3	
C. 2A:170–77.12	L. 1964, c. 230, s. 1	

Source Sections		*Revised Sections*
C. 2A:170–77.13	L. 1964, c. 230, s. 2	Saved from Repeal (See 2C:98–3)
C. 2A:170–77.14	L. 1964, c. 230, s. 3	
C. 2A:170–77.15	L. 1946, c. 314, s. 7	
C. 2A:170–77.16	L. 1977, c. 215, s. 1	Omitted
C. 2A:170–77.17	L. 1977, c. 215, s. 2	Omitted
C. 2A:170–77.18	L. 1977, c. 215, s. 3	Omitted
N. J. S. 2A:170–78 through N. J. S. 2A:170–80		
N. J. S. 2A:170–81	As am. L. 1972, c. 113	Saved from Repeal (See 2C:98–3)
N. J. S. 2A:170–82 through N. J. S. 2A:170–85		
N. J. S. 2A:170–86 through N. J. S. 2A:170–90		Not Enacted
C. 2A:170–90.1	L. 1966, c. 114	Saved from Repeal (See 2C:98–3)
C. 2A:170–90.2	L. 1966, c. 121; As am. L. 1973, c. 331	
C. 2A:170–90.3	L. 1975, c. 182, s. 1	Omitted
C. 2A:170–90.4	L. 1975, c. 182, s. 2	
C. 2A:170–90.5	L. 1975, c. 182, s. 3	
N. J. S. 2A:170–91		Saved from Repeal (See 2C:98–3)
N. J. S. 2A:170–92		
C. 2A:170–92.1	L. 1967, c. 213	Repealed L. 1970, c. 210, s. 5
N. J. S. 2A:170–93		2C:17–3
N. J. S. 2A:170–94 through N. J. S. 2A:170–96		Not Enacted
C. 2A:170–97	L. 1962, c. 178, s. 1	2C:20–11
C. 2A:170–98	L. 1962, c. 178, s. 2	2C:20–11
C. 2A:170–99	L. 1962, c. 178, s. 3	2C:20–11
C. 2A:170–100	L. 1962, c. 178, s. 4	Not Enacted
C. 2A:170–101	L. 1962, c. 178, s. 5	
C. 2A:170–102	L. 1968, c. 256, s. 1; As am. L. 1970, c. 75	2C:21–19
C. 2A:170–103	L. 1968, c. 256, s. 2	2C:21–19

Source Sections		*Revised Sections*
N. J. S.	2A:171–1	Not Enacted
C.	2A:171–1.1 L. 1955, c. 254, s. 1	Not Enacted
C.	2A:171–1.2 L. 1955, c. 254, s. 2	Not Enacted
N. J. S.	2A:171–2 As am. L. 1951, c. 131	Not Enacted
N. J. S.	2A:171–3	Repealed L. 1970, c. 219, s. 2
N. J. S.	2A:171–4	Not Enacted
N. J. S.	2A:171–5	Not Enacted
C.	2A:171–5.1 L. 1958, c. 138, s. 1	Not Enacted
C.	2A:171–5.2 L. 1958, c. 138, s. 2	
C.	2A:171–5.3 L. 1958, c. 138, s. 3	
C.	2A:171–5.4 L. 1958, c. 138, s. 4	
C.	2A:171–5.5 L. 1958, c. 138, s. 5	
C.	2A:171–5.6 L. 1958, c. 138, s. 6	
C.	2A:171–5.7 L. 1958, c. 138, s. 7	
C.	2A:171–5.8 L. 1959, c. 119, s. 1	
C.	2A:171–5.9 L. 1959, c. 119, s. 2	
C.	2A:171–5.10 L. 1959, c. 119, s. 3	
C.	2A:171–5.11 L. 1959, c. 119, s. 4	
C.	2A:171–5.12 L. 1959, c. 119, s. 5	
C.	2A:171–5.13 L. 1959, c. 119, s. 6	
C.	2A:171–5.14 L. 1959, c. 119, s. 7	
C.	2A:171–5.15 L. 1959, c. 119, s. 8	
C.	2A:171–5.16 L. 1959, c. 119, s. 9	
C.	2A:171–5.17 L. 1959, c. 119, s. 10	
C.	2A:171–5.18 L. 1959, c. 119, s. 11	
N. J. S.	2A:171–6 through 2A:171–12	Not Enacted
R. S.	1:1–15	2C:1–1
N. J. S.	2A:69–1 As am. L. 1953, c. 98; L. 1964, c. 44	2C:51–3
C.	2A:84A–32.1 L. 1976, c. 71, s. 1	2C:14–7
C.	2A:84A–32.2 L. 1976, c. 71, s. 2	
C.	2A:84A–32.3 L. 1976, c. 71, s. 3	
C.	9:6–8.21 L. 1974, c. 119, s. 1	2C:24–4

Source Sections			*Revised Sections*
R. S.	19:4–1	As am. L. 1948, c. 438, s. 3; L. 1955, c. 156; L. 1957, c. 205; L. 1959, c. 127, s. 1; L. 1964, c. 7, s. 1; L. 1971, c. 280	2C:51–3
C.	24:21–35	L. 1970, c. 226, s. 35; As am. L. 1975, c. 42	2C:64–1
R. S.	30:4–82	As am. L. 1953, c. 29, s. 40; L. 1956, c. 43; L. 1965, c. 59, s. 67	2C:4–6 2C:4–7
C.	54:40A–30	L. 1948, c. 65, s. 607	2C:64–1
C.	54:40A–32	L. 1948, c. 65, s. 609; As am. L. 1951, c. 281, s. 6; L. 1952, c. 246, s. 9; L. 1954, c. 225, s. 4; L. 1957, c. 214, s. 2; L. 1966, c. 176; L. 1966, c. 312; L. 1968, c. 351, s. 8	2C:64–1

CHAPTER 96

AN ACT concerning the registration of motor vehicles and amending R. S. 39:3–30.

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

1. R. S. 39:3–30 is amended to read as follows:

Transfer of ownership or destruction of motor vehicle.

39:3–30. Upon the transfer of ownership or the destruction of any motor vehicle its registration shall become void. If the motor vehicle is sold the original owner shall remove the license plates therefrom, and, within 48 hours, notify the director of the name and address of the purchaser.

The original owner may, by proper sworn application on a form to be furnished by the division, register another motor vehicle for the unexpired portion of the registration period of the original vehicle, upon payment of a fee of $4.50 if the vehicle is of a weight or other classification equal with or less than the one originally

registered, and upon the payment of a fee of $4.50 and the difference between the fee originally paid and that due if the new motor vehicle is properly registerable in a higher class. Unless the original license plates have been destroyed, the owner shall be assigned the license number previously issued to him and shall receive a new registration certificate. If the original license plates have been destroyed, replacement of the plates will be made under the provisions of R. S. 39:3–32.

The surviving husband, wife, child or children of a deceased registered owner of any motor vehicle in whom title thereto shall vest by virtue of the terms of the will of such deceased owner, or otherwise, shall, upon application to the director, and upon the payment of a fee of $4.50, be entitled to have the registration of such vehicle transferred to his or her name.

The registered owner of any motor vehicle shall, upon application to the director, and payment of a fee of $4.50, be entitled to have the vehicle registered jointly in the name of the registered owner and the spouse of said owner. The registration certificate and certificate of ownership shall be amended accordingly without the payment of any additional fee.

2. This act shall take effect immediately.

Approved August 14, 1978.

CHAPTER 97

AN ACT concerning the examination of pupils for the condition known as scoliosis.

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

C. 18A:40-4.3 Annual examination; notification.

1. Every board of education shall provide for the yearly examination of every pupil between the ages of 10 and 18 for the condition known as scoliosis in accordance with standards jointly established and promulgated by the Departments of Health and Education. Such examination shall be carried out by a school physician, school nurse, physical education instructor or other school personnel properly trained in the screening process for scoliosis. Every board of education shall further provide for the notification of the

parents or guardian of any pupil suspected of having scoliosis. Such notification shall include an explanation of scoliosis, the significance of treating it at an early stage, and the public services available, after diagnosis, for such treatment.

C. 18A:40-4.4 Exemption.

2. Any pupil shall be exempt from the examination upon written request of his parent or guardian.

C. 18A:40-4.5 Liability.

3. No action of any kind in any court of competent jurisdiction shall lie against any physician, school nurse, physical education instructor or other school personnel by virtue of the provisions of this act.

4. This act shall take effect immediately.

Approved August 14, 1978.

CHAPTER 98

AN ACT concerning certain appointees of parking authorities, and amending the "Parking Authority Law," approved July 2, 1948 (P. L. 1948, c. 198, C. 40:11A–1 et seq.).

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

1. Section 5 of P. L. 1948, c. 198 (C. 40:11A–5) is amended to read as follows:

C. 40:11A-5 Appointment of traffic engineer or chief of police to authority; commissioner, appointment, compensation; chairman, vice-chairman and other employees; conflict of interest; removal of commissioner.

5. No commissioner of any authority may be an officer or employee of the municipality or county for which the authority is created; provided, however, that a municipality may appoint its traffic engineer or chief of police to such authority. A commissioner shall hold office until his successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner. A commissioner shall receive no compensation for his services but he shall be entitled to the necessary expenses, including travel-

ing expenses incurred in the discharge of his duties. The powers of each authority shall be vested in the commissioners thereof in office from time to time. A majority shall constitute a quorum of the authority for the purpose of conducting its business and exercising its powers and for all other purposes. Action may be taken by the authority upon a vote of the majority of the commissioners present, unless in any case the bylaws of the authority shall require a larger number. The authority shall select a chairman and a vice-chairman from among its commissioners, and it may employ a secretary, technical experts and such other officers, agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation. For such legal services as it may require, an authority may call upon any chief law officers of the municipality, or the county, as the case may be, or may employ its own counsel and legal staff. An authority may delegate to one or more of its agents or employees such powers and duties as it may deem proper. No commissioner or employee of an authority shall acquire any interest direct or indirect in any parking project or in any property included or planned to be included in the project nor shall he have any interest direct or indirect in any contract or proposed contract for materials or services to be furnished or used in connection with any parking project. If any commissioner or employee of an authority owns or controls an interest direct or indirect in any property included or planned to be included in a parking project he shall immediately disclose the same in writing to the authority and such disclosure shall be entered upon the minutes of the authority. Failure so to disclose such interest shall constitute misconduct in office. Upon such disclosure such commissioner or employee shall not participate in any action by the authority affecting such property. For inefficiency or neglect of duty or misconduct in office, a commissioner of an authority may be removed by the governing body which made the original appointment, but a commissioner shall be removed only after he shall have been given a copy of the charges at least 10 days prior to the hearing thereon and had an opportunity to be heard in person or by counsel. In the event of the removal of any commissioner, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the clerk.

2. This act shall take effect immediately.

Approved August 14, 1978.

CHAPTER 99

AN ACT concerning leaves of absence for State, county, municipal and school board employees and supplementing Title 11 of the Revised Statutes and Title 18A and Title 40A of the New Jersey Statutes.

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

1. Title 11 of the Revised Statutes is supplemented as follows:

C. 11:14-18 Leave of absence with pay for State employee as member of United States athletic team; duration.

Any State employee in the classified or unclassified service who qualifies as a member of the United States team for athletic competition on the world, Pan American or Olympic level, in a sport contested in either Pan American or Olympic competitions, shall be granted a leave of absence with pay and without loss of rights, privileges and benefits, and without interruption of membership in any retirement system of the State for the purpose of preparing for and engaging in the competition. The paid leave granted pursuant to this act shall be no more than 90 calendar days in 1 year or the combined days of the official training camp and competition, whichever is less.

2. Title 18A of the New Jersey Statutes is supplemented as follows:

C. 18A:30-8 Leave of absence with pay for school district employee as member of United States athletic team; duration; reimbursement by State.

Any school district employee who qualifies as a member of the United States team for athletic competition on the world, Pan American or Olympic level, in a sport contested in either Pan American or Olympic competitions, shall be granted a leave of absence with pay and without loss of rights, privileges and benefits and without interruption of membership in any retirement system for the purpose of preparing for and engaging in the competition. The paid leave granted pursuant to this act shall be no more than 90 calendar days in 1 year or the combined days of the official training camp and competition, whichever is less.

Any school district which grants employees leaves of absence pursuant to the provisions of this act shall be reimbursed by the State, for the full amount of the actual cost of employing substitutes for said employees.

3. Title 40A of the New Jersey Statutes is supplemented as follows:

C. 40A:9-7.1 Leave of absence with pay for county or municipal employee as member of United States athletic team; reimbursement by State.

Any county or municipal employee who qualifies as a member of the United States team for athletic competition on the world, Pan American or Olympic level, in a sport contested in either Pan American or Olympic competitions, shall be granted a leave of absence with pay and without loss of rights, privileges and benefits, and without interruption of membership in any retirement system for the purpose of preparing for and engaging in the competition. The paid leave granted pursuant to this act shall be no more than 90 calendar days in 1 year or the combined days of the official training camp and competition, whichever is less.

Any county or municipality which grants employees leaves of absence pursuant to the provisions of this act shall be reimbursed by the State, for the full amount of the actual cost of employing substitutes for said employees.

4. This act shall take effect immediately.

Approved August 14, 1978.

CHAPTER 100

AN ACT concerning compromises between municipalities and ConRail Corporation with regard to real property tax payments.

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

1. Compromise agreements between municipalities and ConRail Corporation with regard to real property tax payments, where such agreements have been approved by the United States District Court, are hereby authorized and shall be recognized as valid for budgetary purposes by the Director of the Division of Local Government Services.

2. This act shall take effect immediately.

Approved August 14, 1978.

CHAPTER 101

AN ACT concerning higher education, providing for alternate members of the board of higher education and amending N. J. S. 18A:3–7.

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

1. N. J. S. 18A:3–7 is amended to read as follows:

Alternate members; designation.

18A:3–7. The chairman of the board of governors at Rutgers, The State University; the chairman of the board of trustees of The New Jersey Institute of Technology; the chairman of the council of State colleges; chairman of the board of trustees of the College of Medicine and Dentistry of New Jersey; the chairman of the council of county colleges; the president of the State Board of Education and the representatives of the private colleges and universities in New Jersey may each designate in writing another member of his board, council or association as an alternate to attend in his absence and vote at the meetings of the boards; provided, however, that such alternate shall be selected from among the membership of the group from which the member's status on the board arises and further that where the member is a lay member of such a group, his alternate must likewise be a lay member of said group.

2. This act shall take effect immediately.

Approved August 14, 1978.

CHAPTER 102

AN ACT concerning filing of copies of petitions of appeal to county boards of taxation and the Division of Tax Appeals and amending R. S. 54:2–40 and 54:3–21.

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

1. R. S. 54:2–40 is amended to read as follows:

Copies of appeal to be served; copies of judgments; notice of withdrawal and dismissal of appeal.

54:2–40. A copy of the petition of appeal shall be served by the appellant upon the county board of taxation whose judgment is appealed from, or its secretary, and upon the clerk of the taxing district who shall forthwith notify the assessor, collector, and such other municipal officials as the governing body shall direct of the content thereof. Service of such copies shall be evidenced by affidavit upon the original petition of appeal filed with the Division of Tax Appeals in the Department of the Treasury or service thereon acknowledged. A copy of each judgment of the division whether of affirmance, reversal, modification or otherwise shall be sent to the taxpayer and, at the same time, to the collector and to the assessor or board of assessors of the taxing district and the secretary of the county board of taxation in which said taxing district is situated. The division shall also give prompt notice to the taxpayer and, at the same time, to the collector and to the assessor or board of assessors of the taxing district and to the secretary of the county board of taxation, in whose county the taxing district is situated, of the withdrawal and dismissal of petitions of appeal filed with the division.

2. R. S. 54:3–21 is amended to read as follows:

Appeals by taxpayers and taxing districts; petition.

54:3–21. A taxpayer feeling aggrieved by the assessed valuation of his property, or feeling that he is discriminated against by the assessed valuation of other property in the county, or a taxing district which may feel discriminated against by the assessed valuation of property in the taxing district, or by the assessed valuation of property in another taxing district in the county, may on or before August 15 appeal to the county board of taxation by filing with it a petition of appeal. A copy thereof shall also be filed with the clerk of the taxing district who shall forthwith notify the assessor, collector, and such other municipal officials as the governing body shall direct of the content thereof. The petition shall set forth the cause of complaint, the nature and location of the assessed property and the relief sought. The petition shall be signed and sworn to by the petitioner or his agent, and shall be in such form and contain such further information as may be from time to time prescribed by rule of the board, for the better understanding and determination of the appeal.

3. This act shall take effect immediately.

Approved August 16, 1978.

CHAPTER 103

A SUPPLEMENT to "An act making appropriations for the support of State Government and the several public purposes for the fiscal year ending June 30, 1979 and regulating the disbursement thereof," approved June .., 1978 (P. L. 1978, c. ....).

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

1. There is hereby appropriated from the General Treasury the sum of $150,000.00 for the relocation expenses of the Division of Purchase and Property in the Department of the Treasury and the remodeling of the space vacated in the State House by said division into suitable meeting places and offices for the Legislature and its committees.

2. Of the amount hereinabove appropriated, an amount not to exceed $90,000.00 may be used for the actual relocation expenses of said division and the remaining amount shall be used for remodeling the vacated space.

3. This act shall take effect immediately.

Approved August 21, 1978.

CHAPTER 104

AN ACT authorizing counties to make appropriations for the benefit of the arts, and supplementing Title 40 of the Revised Statutes.

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

C. 40:23-8.25 Appropriation of funds for benefit of arts.

1. The governing body of any county may appropriate funds to any privately operated, nonprofit organization approved by the governing body whose services are nonsectarian, in an amount not to exceed $10,000.00 in any year for the purpose of the planning, construction, acquisition or operation of a center for the performing and visual arts, the location and successful operation of which

within such county said governing body deems to be necessary, or conducive, to the improvement and furtherance of the tourist industries and recreational attractiveness of such county, or to the fulfillment of the recreational, entertainment, cultural, and educational needs of the residents of such county.

2. This act shall take effect immediately.

Approved August 21, 1978.

CHAPTER 105

AN ACT concerning the county courts and judges thereof in certain counties of the second class and supplementing chapter 3 of Title 2A of the New Jersey Statutes.

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

C. 2A:3-13.17 Appointment of two additional judges to county courts in second class counties.

1. There shall be, in counties of the second class having a population in excess of 580,000 according to the 1970 Federal census, two additional judges of the county court in addition to the judges of said court provided by Article VI, Section IV, paragraph 2 of the Constitution and authorized under N. J. S. 2A:3–13, making eight in all, to be nominated and appointed by the Governor with the advice and consent of the Senate.

2. This act shall take effect immediately.

Approved August 21, 1978.

CHAPTER 106

AN ACT to amend the "Public Employees' Retirement System Act," approved June 28, 1954 (P. L. 1954, c. 84) as said short title was amended by P. L. 1971, c. 213.

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

1. Section 73 of P. L. 1954, c. 84 (C. 43:15A–73) is amended to read as follows:

C. 43:15A-73 Authorization to enroll certain other employees; limitation.

73. a. The Public Employees' Retirement System is hereby authorized and directed to enroll eligible employees of the New Jersey Turnpike Authority, the New Jersey Highway Authority, Palisades Interstate Park Commission, Interstate Sanitation Commission, the Delaware River Basin Commission and the Delaware River Joint Toll Bridge Commission.

In the case of the Delaware River Joint Toll Bridge Commission, the eligible employees shall be only those who are employed on the free bridges across the Delaware river, under the control of said commission.

The said employees shall be subject to the same membership, contribution and benefit provisions of the retirement system as State employees.

b. The State University of New Jersey, as an instrumentality of the State, shall, for all purposes of this act, be deemed an employer and its eligible employees, both veterans and nonveterans, shall be subject to the same membership, contribution and benefit provisions of the retirement system and to the provisions of chapter 3 of Title 43 of the Revised Statutes as are applicable to State employees and for all purposes of this act employment by the State University of New Jersey after April 16, 1945, and for the purposes of chapter 3 of Title 43 of the Revised Statutes any new employment after January 1, 1955, shall be deemed to be and shall be construed as service to and employment by the State of New Jersey.

c. The Compensation Rating and Inspection Bureau, created and established pursuant to the provisions of R. S. 34:15–89, shall, for all purposes of this act, be deemed an employer and its eligible employees, both veterans and nonveterans, shall be subject to the same membership, contribution and benefit provisions of the retirement system and to the provisions of chapter 3 of Title 43 of the Revised Statutes as both are applicable to State employees.

The retirement system shall certify to the Commissioner of Insurance and the Commissioner of Insurance shall direct the Compensation Rating and Inspection Bureau to provide the necessary payments to the retirement system in accordance with procedures established by the retirement system. Such payments shall include (1) the contributions and charges, similar to those paid by other public agency employers, to be paid by the Compensation

Rating and Inspection Bureau to the retirement system on behalf of its employee members, and (2) the contributions to be paid by the Compensation Rating and Inspection Bureau to provide the past service credits up to June 30, 1965 for these members, both veterans and nonveterans, who enroll before July 1, 1966.

d. The New Jersey Sports and Exposition Authority, created and established pursuant to the "New Jersey Sports and Exposition Authority Law," P. L. 1971, c. 137 (C. 5:10–1 et seq.) shall for all purposes of this act, be deemed an employer and its eligible employees both veterans and nonveterans, shall be subject to the same membership, contribution and benefit provisions of the retirement system and to the provisions of chapter 3 of Title 43 of the Revised Statutes as are applicable to State employees.

(1) Eligible employees as used herein shall not include persons who are not classified as salaried, or who are compensated on an hourly or per diem basis, or whose employment is normally covered by other retirement systems to which the authority makes contributions.

(2) Eligible employees previously permitted to enroll in the retirement system shall redeposit the contributions previously made by them and all service credit shall then be restored and future contributions made at the rate of contribution as originally assigned. The authority shall redeposit the employer payments it had made, with interest to the date of redeposit.

2. This act shall take effect immediately.

Approved August 21, 1978.

CHAPTER 107

A SUPPLEMENT to the "Health Care Facilities Planning Act," approved May 10, 1971 (P. L. 1971, c. 136; C. 26:2H–1 et seq.).

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

C. 26:2H-7.1 Exemption from requirement relating to certificate of need.

1. Any nonprofit entity chartered by the State of New Jersey as a nonprofit corporation pursuant to Title 15 of the Revised Statutes, which had been so chartered and had acquired land for the purpose of constructing a hospital prior to the effective date of the

act to which this act is a supplement, and when the land so acquired by such nonprofit corporation is located within a municipality that has provided an appropriation for the construction of a health care facility as authorized by P. L. 1954, c. 266 (C. 44:5–10.2), then the proposed hospital of such nonprofit corporation shall be exempt from the requirement of section 7 of P. L. 1971, c. 136 (C. 26:2H–7) relating to a certificate of need.

2. This act shall take effect immediately.

Approved August 22, 1978.

CHAPTER 108

AN ACT to abolish certain commissions; providing for the disposition of the files, records and property thereof and the lapsing to the general treasury of any and all unexpended appropriations thereto; and repealing sundry acts.

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

Repealer.

1. The following commissions are abolished and the following cited acts are repealed as of July 1, 1979:

a. The Energy Crisis Study Commission, created by P. L. 1973, c. 184; and

b. The Commission on Income Maintenance, created by P. L. 1975, c. 359.

2. No later than January 1, 1979, the chairman of each commission named in section 1 of this act shall submit to the President of the Senate, the Speaker of the General Assembly, and the Governor a report describing the activities and the accomplishments of said commission and, if it is the judgment of the commission that its abolition date should be postponed or eliminated, stating the reasons for such judgment.

3. The files and records remaining in the possession of any commission abolished pursuant to this act shall be made available for inspection by the Legislative Services Agency and the Division of the State Library, Archives and History for a determination as to material which should be retained by the Legislative Services

Agency, filed in the State Library, delivered to another State agency, or destroyed. Any physical property of any such commission shall be reported to the Division of Purchase and Property for appropriate disposition. Any and all unexpended balances of funds appropriated to such commissions shall lapse to the general treasury.

4. This act shall take effect immediately.

Approved August 22, 1978.

CHAPTER 109

AN ACT to abolish certain commissions; providing for the disposition of the files, records and property thereof and the lapsing to the general treasury of any and all unexpended appropriations thereto; and repealing sundry acts.

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

1. The commissions named in section 2 of this act are abolished and the terms of office of the members thereof are terminated. The files and records remaining in the possession of any thereof shall be made available for inspection by the Legislative Services Agency and the Division of the State Library, Archives and History for a determination as to material which should be retained by the Legislative Services Agency, filed in the State Library, delivered to another State agency or destroyed. Any physical property of any such commission shall be reported to the Division of Purchase and Property for appropriate disposition. Any and all unexpended balances of funds appropriated to such commissions are lapsed to the general treasury.

Repealer.

2. The following commissions are abolished and the following cited acts are repealed:

a. The Criminal Law Revision Commission, created by P. L. 1968, c. 281 (C. 1:19–1 et seq.);

b. The Election Law Revision Commission, created by P. L. 1964, c. 29, ss. 1–10 (C. 1:17–11 through 19), as supplemented by P. L. 1969, c. 192, s. 1 (C. 1:17–16.1);

c. The 1974 Gubernatorial Inaugural Commission, created by P. L. 1973, c. 242;

d. The Insurance Law Revision Commission, created by P. L. 1959, c. 120 (C. 1:15–1 et seq.);

e. The Juvenile Court Law Revision Commission, created by P. L. 1968, c. 71 (C. 1:18–1 et seq.);

f. The Mass Transportation System Study Commission, created by P. L. 1974, c. 174;

g. The Commission on Open Space Policy, created by P. L. 1968, c. 312;

h. The Public Employer-Employee Relations Study Commission, created by P. L. 1974, c. 124;

i. The Task Force on Urban Programs, created by P. L. 1970, c. 325;

j. The State Air Safety Commission, created by P. L. 1952, c. 63 (C. 6:1A–1 et seq.);

k. The State Capitol Development Commission, created by P. L. 1959, c. 5, ss. 1–14 (C. 52:31A–1 through 14), as supplemented by P. L. 1959, c. 19 (C. 52:31A–11.1 et seq.);

l. The State Rules of Court Review Commission, created by P. L. 1968, c. 183 (C. 2A:84A–39.1 et seq.); and

m. The Commission on State Tax Policy, created by P. L. 1945, c. 157 (C. 52:9I–1 et seq.).

3. This act shall take effect July 1, 1978.

Approved August 22, 1978.

CHAPTER 110

AN ACT to provide for the further coordination, facilitation, promotion, preservation and protection of trade and commerce in and through the Port of New York District through the financing and effectuation of industrial development projects therein by the Port Authority of New York and New Jersey, and agreeing with the state of New York with respect thereto.

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

C. 32:1-35.72 Findings and determinations of States of New York and New Jersey.

1. The States of New York and New Jersey hereby find and determine that:

a. To prevent further deterioration of the economy of the port district and thereby to promote, preserve and protect trade and commerce in and through the Port of New York District as defined in the compact between the two states dated April 30, 1921 (hereinafter called the port district), it is the policy of each of the two states actively to promote, attract, encourage and develop economically sound commerce and industry through governmental action;

b. In order to preserve and protect the position of the port of New York as the nation's leading gateway for world commerce, it is incumbent on the States of New York and New Jersey to make every effort to insure that the port receives its rightful share of interstate and international commerce generated by the manufacturing, industrial, trade and commercial segments of the economy of the Nation and of the port district;

c. Since 1950 the number of available jobs in the port district, particularly within the older central cities thereof, has decreased, thereby resulting in the underutilization of available land and other resources, the erosion of the port district's tax bases and a rate of unemployment substantially in excess of the national average;

d. In order to preserve the port district from further economic deterioration, adequate industrial development projects and facilities must be provided, preserved and maintained to attract and retain industry within the port district;

e. A number of new industrial development projects and facilities should be organized into industrial parks or districts;

f. The construction of such industrial parks or districts shall conform to the policies of the two states with respect to affirmative action and equal employment opportunities;

g. Providing port district industrial development projects and facilities is in the public interest and involves the exercise of public and essential governmental functions which may include appropriate and reasonable limitations on competition and which must be performed by the two states, or any municipality, public authority, agency or commission of either state and by a joint agency of the two states to accomplish the purposes of this act;

h. That it is an objective of the two states, acting through the port authority, to facilitate reemployment of residents of the older cities through job training programs and employment opportunity

priorities in connection with industrial development parks in their respective cities;

i. The acquisition and use by such joint agency of abandoned, undeveloped or underutilized land or land owned by governmental entities within the port district for the generation of jobs and to reduce the hazards of unemployment would promote, preserve and protect the industry, trade and commerce of the port district, and will materially assist in preserving for the two states and the people thereof the material and other benefits of a prosperous port community;

j. The collection, disposal and utilization of refuse, solid waste or waste resulting from other treatment processes is an activity of concern to all citizens within the port district, that the health, safety and general welfare of the citizens within the port district require efficient and reasonable collection and disposal services and efficient utilization of such refuse, solid waste or waste resulting from other treatment processes with adequate consideration given to regional planning and coordination, and, therefore, that the construction and operation of any port district industrial development project and facility should conform to the environmental and solid waste disposal standards and state and county plans therefor in the state in which such project or facility is located;

k. The dedication by the municipalities of the port district of refuse, solid waste or waste resulting from other treatment processes to resource recovery to permit the generation of lower priced energy and the recovery of useful materials, together with the commitment by such municipalities to pay fees to permit the delivery and removal after processing of such refuse or solid waste at rates and for periods of time at least sufficient to assure the continued furnishing of such lower priced energy and material is in the public interest and would be a major incentive for the attraction and retention of industry within the port district;

l. The Port Authority of New York and New Jersey (hereinafter called the port authority), which was created by agreement of the two states as a joint agent for the development of terminal, transportation and other facilities of commerce of the port district and for the promotion and protection of the commerce of the port, is a proper agency to act in their behalf (either directly or by any subsidiary corporation) to finance and effectuate such industrial development projects and facilities;

m. It is desirable for the port authority, after consultation with the governing body of each municipality and within the city

of New York the appropriate community board or boards and elsewhere another governmental entity or entities designated by such municipality in which industrial development projects or facilities are proposed to be located and with other persons, including but not limited to private real estate developers, to prepare and adopt a master plan providing for the development of such industrial development projects and facilities in the port district, which plan shall give consideration to the extent of unemployment and the general economic conditions of the respective portions of the port district and shall include among other things the locations and the nature and scope of such projects and facilities as may be included in the plan;

n. The undertaking of such industrial development projects and facilities by the port authority has the single object of and is part of a unified plan to aid in preserving the economic well-being of the port district and is found and determined to be in the public interest;

o. No such port district industrial development projects and facilities are to be constructed if the sole intent of the construction thereof would be the removal of an industrial or manufacturing plant of an occupant of such projects and facilities from one location to another location or in the abandonment of one or more plants or facilities of such occupant, unless such port district industrial development projects and facilities are reasonably necessary to discourage such occupant from removing such plant or facility to a location outside the port district or are reasonably necessary to preserve the competitive position of such project occupant in its industry;

p. No such port district industrial development projects or facilities are to be constructed unless and until the port authority has entered into an agreement or agreements with the municipality in which any such project or facility is to be located with respect to payments in lieu of real estate taxes and the location, nature and scope of any project or facility; and

q. Subject to entering into said agreement or agreements, the port authority should have the ability to acquire, lease, vacate, clear and otherwise develop abandoned, undeveloped or underutilized property or property owned by governmental entities within the port district and to finance and construct industrial development projects and facilities.

C. 32:1-35.73 Definitions.

2. As used in this act:

a. "Bonds" means bonds, notes, securities or other obligations or evidences of indebtedness;

b. "Effectuation" of any project or facility or part of any such project or facility includes but is not limited to its establishment, acquisition, construction, development, maintenance, operation, improvement by way of betterments, additions or otherwise and rehabilitation by the port authority or any other person and the provision of funds therefor through the issuance of obligations, the making or granting of loans or otherwise;

c. "General reserve fund statutes" shall mean chapter 48 of the laws of New York of 1931 as amended, and chapter 5 of the laws of New Jersey of 1931 as amended, and "general reserve fund" shall mean the general reserve fund of the port authority authorized by said statutes;

d. "Governing body" means the board or body vested with the general legislative powers of the municipality in which an industrial development project or facility will be financed or effectuated pursuant to this act;

e. "Industrial development project or facility" or "port district industrial development project or facility" means any equipment, improvement, structure or facility or any land, and any building, structure, facility or other improvement thereon, or any combination thereof, and all real and personal property, located within the New York portion of the port district or within a municipality in the New Jersey portion of the port district which qualified for State aid under the provisions of P. L. 1971, c. 64 as most recently supplemented by P. L. 1978, c. 14 or which may hereafter qualify for such aid, including but not limited to, machinery, equipment and other facilities deemed necessary or desirable in connection therewith, or incidental thereto, whether or not now in existence or under construction, which shall be considered suitable by the port authority for manufacturing, research, non-retail commercial or industrial purposes within an industrial park, or for purposes of warehousing or consumer and supporting services directly related to any of the foregoing or to any other port authority project or facility; and which may also include or be an industrial pollution control facility or a resource recovery facility; provided that no such industrial development project or facility may include or be a facility used for the storage of chemicals fuel or liquefied natural gas unless incidental to the effectuation of such industrial development project or facility:

f. "Industrial pollution control facility" means any equipment, improvement, structure or facility or any land, and any building, structure, facility or other improvement thereon, or any combination thereof, and all real and personal property, located within the port district, including, but not limited to, machinery, equipment and other facilities deemed necessary or desirable in the opinion of the port authority in connection therewith, or incidental thereto, whether or not now in existence or under construction, having to do with or the end purpose of which is the control, abatement or prevention of land, sewer, water, air, noise or general environmental pollution deriving from the operation of industrial, manufacturing, warehousing, commercial and research facilities, including, but not limited to any air pollution control facility, noise abatement facility, water management facility, waste water collecting system, waste water treatment works, sewage treatment works system, sewage treatment system or solid waste disposal facility or site, provided that no such industrial pollution control facility may include or be used as a site for organic landfill or be of a character or nature generally furnished or supplied by any other governmental entity where such industrial pollution control facility is located without the consent of such governmental entity;

g. "Municipality" means a city, county, town or village all or any part of which is located within the New York portion of the port district, or a city, county, town, borough or township all or any part of which is located within the New Jersey portion of the port district;

h. "Person" means any person, including an individual, firm, partnership, association, society, trust, public utility, public or private corporation, or other legal entities, including public or governmental body which may include the port authority, as well as natural person.

i. "Port authority" means the Port Authority of New York and New Jersey any subsidiary corporation now or hereafter incorporated for any of the purposes of this act; provided, however, as used in sections 4 and 5 of this act it shall not include any such subsidiary corporation;

j. "Purposes of this act" means the effectuation of industrial development projects and facilities and of each project or facility constituting a portion thereof and of each part of each project or facility, and purposes incidental thereto;

k. "Real property" means lands, structures, franchises and interests in land, including air space and air rights, waters, lands

under water, wetlands and riparian rights, and any and all things and rights included within the said term, and includes not only fees simple absolute but also any and all lesser interests, including but not limited to easements, rights-of-way, uses, leases, licenses and all other incorporeal hereditaments and every estate, interest or right, legal or equitable, including terms for years and liens thereon by way of judgments, mortgages or otherwise;

l. "Resource recovery facility" means any equipment, improvement, structure or facility or any land, and any building, structure, facility or other improvement thereon, or any combination thereof, and all real and personal property located within the port district, including, but not limited to, machinery, equipment and other facilities deemed necessary or desirable in the opinion of the port authority in connection therewith, or incidental thereto, whether or not now in existence or under construction, for the disposal of refuse or other solid wastes or wastes resulting from other treatment processes and for the recovery and sale or use of energy and other resources from such refuse or other solid wastes or wastes resulting from other treatment processes, provided that no such resource recovery facility may include or be used as a site for organic landfill;

m. "Surplus revenues" from any facility means the balance of the revenues from such facility including but not limited to the revenues of any subsidiary corporation incorporated for any of the purposes of this act remaining at any time currently in the hands of the port authority after the deduction of the current expenses of the operation and maintenance thereof, including a proportion of the general expenses of the port authority as it shall deem properly chargeable thereto, which general expenses shall include but not be limited to the expense of protecting and promoting the commerce of the port district, and after the deduction of any amounts which the port authority may or shall be obligated or may or shall have obligated itself to pay to or set aside out of the current revenues therefrom for the benefit of the holders of any bonds legal for investment as defined in the general reserve fund statutes;

n. "Surplus revenues of port district industrial development projects or facilities" means the surplus revenues of all industrial development projects or facilities effectuated pursuant to the terms of this act.

C. 32:1-35.74 Powers and duties of port authority.

3. a. In furtherance of the aforesaid findings and determinations, in partial effectuation of and supplemental to the compre-

hensive plan heretofore adopted by the two said states for the development of the said port district, and subject to the preparation and adoption of the plan authorized in subsection b. of this section and the execution of an agreement or agreements authorized by sections 11 and 12 of this act, the port authority is hereby authorized, empowered and directed to establish, acquire, construct, effectuate, develop, own, lease, maintain, operate, improve, rehabilitate, sell, transfer and mortgage projects or facilities herein referred to as port district industrial development projects or facilities, as defined in this act.

The port authority is hereby authorized and empowered to establish, levy and collect such rentals, fares, fees and other charges as it may deem necessary, proper or desirable in connection with any facility or part of any facility constituting a portion of any port district industrial development project or facility and to issue bonds for any of the purposes of this act and to provide for payment thereof, with interest thereon, and for the amortization and retirement of such bonds, and to secure all or any portion of such bonds by a pledge of such rentals, fares, fees, charges and other revenues or any part thereof including but not limited to the revenues of any subsidiary corporation incorporated for any of the purposes of this act, and to secure all or any portion of such bonds by mortgages upon any property held or to be held by the port authority for any of the purposes of this act, and for any of the purposes of this act to exercise all appropriate powers heretofore or hereafter delegated to it by the states of New York and New Jersey, including, but not limited to, those expressly set forth in this act. The surplus revenues of port district industrial development projects or facilities may be pledged in whole or in part as hereinafter provided.

b. The port authority is hereby authorized to initiate studies and prepare and adopt a master plan providing for the development of port district industrial development projects and facilities which shall include the location of such projects and facilities as may be included in the plan and shall to the maximum extent practicable include inter alia a general description of each of such projects and facilities, the land use requirements necessary therefor, and estimates of project costs, of project employment potential and of a schedule for commencement of each such project. Prior to adopting such master plan, the port authority shall give written notice to, afford a reasonable opportunity for comment, consult with and consider any recommendation made by the gov-

erning body of municipalities and within the city of New York the appropriate community board or boards and elsewhere another governmental entity or entities designated by such municipality in which industrial development projects or facilities are proposed to be located and with such other persons, including but not limited to private real estate developers, which in the opinion of the port authority is either necessary or desirable. The master plan shall include the port authority's estimate of the revenues to be derived by municipalities from each such industrial development project or facility and also a description of the proposed additional arrangements with municipalities necessary or desirable for each such project or facility. The port authority may modify or change any part of such plan in the same form and manner as provided for the adoption of such original plan. At the time the port authority authorizes any industrial development project or facility, the port authority shall include with such authorization a statement as to the status of each project in such master plan and any amendment thereof.

c. No industrial development project proposed to be located within the city of New York may be included in such master plan unless and until the mayor of the city of New York requests the port authority to conduct a comprehensive study of the feasibility of the effectuation of one or more industrial development projects or any parts thereof (including resource recovery or industrial pollution control facilities) in such city, which request shall specify the borough in which such comprehensive study is to take place; provided, however, that the president of any borough in which an industrial development project or facility is proposed to be located may within 60 days of receipt of notice of such request, and after consulting with and considering any recommendation made by the local borough improvement board, notify the port authority not to include any proposed industrial development project or facility within that county in such feasibility study. Any such request by the mayor of the city of New York may specify the facilities to be included in such industrial park project.

C. 32:1-35.75 Moneys in general reserve fund; application.

4. The moneys in the general reserve fund may be pledged in whole or in part by the port authority as security for or applied by it to the repayment with interest of any moneys which it may raise upon bonds issued or incurred by it from time to time for any of the purposes of this act or upon bonds secured in whole or in part by the pledge of the revenues from any industrial develop-

ment project or facility or any portion thereof or upon bonds both so issued or incurred and so secured; and the moneys in said general reserve fund may be applied by the port authority to the fulfillment of any other undertakings which it may assume to or for the benefit of the holders of any such bonds.

Subject to prior liens and pledges and to the obligation of the port authority to apply revenues to the maintenance of its general reserve fund in the amount prescribed by the general reserve fund statutes, the revenues from facilities established, constructed, acquired or otherwise effectuated through the issuance or sale of bonds of the port authority secured in whole or in part by a pledge of its general reserve fund or any portion thereof may be pledged in whole or in part as security for or applied by it to any of the purposes of this act, including the repayment with interest of any moneys which it may raise upon bonds issued or incurred from time to time for any of the purposes of this act or upon bonds secured in whole or in part by the pledge of the revenues of the port authority from any industrial development project or facility or any portion thereof or upon bonds both so issued or incurred and so secured; and said revenues may be applied by the port authority to the fulfillment of any other undertakings which it may assume to or for the benefit of the holders of such bonds.

C. 32:1-35.76 Application of surplus revenues to establishment and maintenance of general fund; use of excess amounts for authorized purposes.

5. In all cases where the port authority has raised or shall hereafter raise moneys for any of the purposes of this act by the issue and sale of bonds which are secured in whole or in part by a pledge of the general reserve fund or any portion thereof, the surplus revenues from industrial development projects or facilities financed in whole or in part out of the proceeds of such bonds and the surplus revenues from any other port authority facility the surplus revenues of which at such time may be payable into the general reserve fund shall be pooled and applied by the port authority to the establishment and maintenance of the general reserve fund in an amount equal to one-tenth of the par value of all bonds legal for investment, as defined in the general reserve fund statutes, issued by the port authority and currently outstanding, including such bonds issued for any of the purposes of this act; and all such moneys in said general reserve fund may be pledged and applied in the manner provided in the general reserve fund statutes.

In the event that any time the balance of moneys theretofore paid into the general reserve fund and not applied therefrom shall

exceed an amount equal to one-tenth of the par value of all bonds upon the principal amount of which the amount of the general reserve fund is calculated, by reason of the retirement of bonds issued or incurred from time to time for any of the purposes of this act the par value of which had theretofore been included in the computation of said amount of the general reserve fund, then the port authority may pledge or apply such excess for and only for the purposes for which it is authorized by the general reserve fund statutes to pledge the moneys in the general reserve fund and such pledge may be made in advance of the time when such excess may occur.

C. 32:1-35.77 Power to establish, levy and collect rentals, fares, fees or other charges.

6. The two states covenant and agree with each other and with the holders of any bonds issued by the port authority for the purposes of this act, that so long as any of such bonds remain outstanding and unpaid and the holders thereof shall not have given their consent as provided in their contract with the port authority, the two states shall not diminish or impair the power of the port authority to establish, levy and collect rentals, fares, fees or other charges in connection with industrial development projects or facilities or any other facility owned or operated by the port authority the revenues of which have been or shall be pledged in whole or in part as security for such bonds, directly or indirectly, or through the medium of the general reserve fund or otherwise, or to determine the quantity, quality, frequency or nature of any services provided by the port authority in connection with the operation of each such project or facility. This section shall not affect or diminish the provisions of section 12. of this act.

C. 32:1-35.78 Authorization to cooperate and enter into agreements with States of New York and New Jersey, municipalities, commissions, public authorities and federal government.

7. The port authority is authorized and empowered to cooperate with the States of New York and New Jersey, with any municipality thereof, with any person, with the Federal Government and with any agency, public authority or commission of any one or more of the foregoing, or with any one or more of them, for and in connection with the acquisition, clearance, replanning, rehabilitation, reconstruction or redevelopment of any industrial development project or facility or of any other area forming part of any industrial development project or facility for the purpose of renewal and improvement of said area and for any of the purposes

of this act, and to enter into an agreement or agreements, and from time to time to enter into agreements amending or supplementing the same, with any such person, municipality, commission, public authority or agency and with the States of New York and New Jersey and with the Federal Government, or with any one or more of them, for or relating to such purposes, including but not limited to agreements with respect to the dedication by the municipalities of the port district of refuse, solid waste or waste resulting from other treatment processes to resource recovery to permit the generation of lower priced energy and the recovery of useful materials; with respect to a commitment by such municipalities to pay fees to permit the delivery and removal after processing of such refuse or solid waste at rates and for periods of time at least sufficient to assure the continued availability of such energy and recovered materials; with respect to financial assistance, loans and grants pursuant to any Federal law now in effect or hereinafter enacted which would provide such financial assistance, loans and grants in connection with any of the purposes of this act, provided, that if either state shall have or adopt general legislation governing applications for such Federal aid by municipalities, public authorities, agencies or commissions of such state or the receipt or disbursement of such Federal aid by or on behalf of such municipalities, public authorities, agencies or commissions, then such legislation shall at the option of such state apply to applications by the port authority for such Federal aid in connection with an industrial development project or facility located in such state and to the receipt and disbursement of such Federal aid by or on behalf of the port authority, in the same manner and to the same extent as other municipalities, public authorities, agencies or commissions of such state; and, with respect to occupancy of space in any industrial development project or facility. The port authority is hereby authorized and empowered to apply for and accept financial assistance, loans and grants for such purposes under Federal, State or local laws, and to make application directly to the proper officials or agencies for and receive Federal, State or local loans or grants in aid for any of the purposes of this act. Nothing contained in this act shall be construed to limit or impair the power of the Governor of the State of New York and the Governor of the State of New Jersey to review the actions of the commissioners of the port authority as provided for in chapter 700 of the laws of New York of 1927, as

amended, and in chapter 333 of the laws of New Jersey of 1927, as amended, or to authorize the port authority to commence the effectuation of any industrial development project or facility unless and until the municipality in which such project or facility is to be located has consented to the commencement of such effectuation, with such consent to be provided for in the agreement authorized by section 11 or section 12 hereof. The port authority is authorized and empowered to enter into an agreement or agreements (and from time to time to enter into agreements amending or supplementing the same) with any public authority, agency or commission of either or both states to provide for the effectuation of any of the purposes of this act through a subsidiary corporation owned jointly by the port authority and any such public authority, agency or commission, and any such public authority, agency or commission is authorized and empowered to enter into such agreement or agreements with the port authority.

C. 32:1-35.79 Authorization to cooperate and enter into agreements with port authority.

8. Notwithstanding any contrary provision of law, general, special or local, either state and any municipality thereof and any commission, public authority or agency of either or both of said two states is authorized and empowered to cooperate with the port authority and to enter into an agreement or agreements and from time to time to enter into agreements amending or supplementing the same with the port authority or with any other person for and in connection with or relating to the acquisition, clearance, replanning, rehabilitation, reconstruction, redevelopment, sale, transfer or mortgage of any industrial development project or facility or of any other area forming part of any industrial development project or facility for the purpose of renewal and improvement of said area as aforesaid or for any of the other purposes of this act, including but not limited to the dedication by the municipalities of the port district of refuse, solid waste or waste resulting from other treatment processes to resource recovery to permit the generation of lower priced energy and the recovery of useful materials and a commitment by such municipalities to pay fees to permit the delivery and removal after processing of such refuse or solid waste at rates and for periods of time at least sufficient to assure the continued availability of such energy and recovered materials, upon such reasonable terms and conditions as may be determined by such state, municipality, public authority, agency or commission and the port authority. Such agreement may, with-

out limiting the generality of the foregoing, further include consent to the use by the port authority or any other person of any real property owned or to be acquired by said state, municipality, public authority, agency or commission and consent to the use by such state, municipality, public authority, agency or commission of any real property owned or to be acquired by the port authority or by any other person which in either case is necessary, convenient or desirable in the opinion of the port authority for any of the purposes of this act, including such real property, improved or unimproved, as has already been devoted to or has been or is to be acquired for urban renewal or other public use, and as an incident to such consent such State, municipality, public authority, agency or commission may grant, convey, lease or otherwise transfer any such real property to the port authority or to any other person and the port authority may grant, convey, lease or otherwise transfer any such real property to such state, municipality, public authority, agency, commission or any other person for such term and upon such conditions as may be agreed upon. If any real property of such state, municipality, public authority, agency or commission be leased to the port authority or to any other person for any of the purposes of this act, such state, municipality, public authority, agency or commission may consent to the port authority or any other person having the right to mortgage the fee of such property and thus enable the port authority or such other person to give as security for its bond or bonds a lien upon the land and improvements, but such state, municipality, public authority, agency or commission by consenting to the execution by the port authority or such other person of a mortgage upon the leased property shall not thereby assume and such consent shall not be construed as imposing upon such state, municipality, public authority, agency or commission any liability upon the bond or bonds secured by the mortgage. In connection with any of the purposes of this act, either state and any municipality thereof, any commission, public authority or agency of either or both of said two states, the port authority and any other person are empowered to enter into any other agreement or agreements, and from time to time to enter into agreements amending or supplementing same, which may provide inter alia for the establishment of prices or rates, a requirement that any person sell, lease or purchase any commodity or service from any other person, or any other similar arrangement.

Nothing contained in this section shall impair or diminish the powers vested in either state or in any municipality, public

authority, agency or commission to acquire, clear, replan, reconstruct, rehabilitate or redevelop abandoned, undeveloped or underutilized land and the powers herein granted to either state or any municipality, public authority, agency or commission shall be construed to be in aid of and not in limitation or in derogation of any such powers heretofore or hereafter conferred upon or granted to such state, municipality, public authority, agency or commission.

Nothing contained in this act shall be construed to authorize the port authority to acquire, by condemnation or the exercise of the right of eminent domain, property now or hereafter vested in or held by either state or by any municipality, public authority, agency or commission without the authority or consent of such state, municipality, public authority, agency or commission, provided that the state under whose laws such public authority, agency or commission has been created may authorize by appropriate legislation the port authority to acquire any such property vested in or held by any such public authority, agency or commission by condemnation or the exercise of the right of eminent domain without such authority or consent; nor shall anything herein impair or invalidate in any way any bonded indebtedness of either State or any such municipality, public authority, agency or commission, nor impair the provisions of law regulating the payment into sinking funds of revenues derived from such property, or dedicating the revenues derived from such property to a specific purpose.

The port authority, subject to the express authority or consent of any such state, municipality, public authority, agency or commission, is hereby authorized and empowered to acquire from any such state or municipality, or from any other public authority, agency or commission having jurisdiction in the premises, by agreement therewith, and such state or municipality, public authority, agency or commission, notwithstanding any contrary provision of law, is hereby authorized and empowered to grant and convey, upon reasonable terms and conditions, any real property which may be necessary, convenient or desirable for any of the purposes of this act, including such real property as has already been devoted to a section or act or any compact or general or special law, the port authority may not acquire any park lands for industrial development projects or facilities unless each such conveyance of such land is specifically authorized by the legislature of the state wherein the land is located.

Any consent by a municipality shall be given and the terms, conditions and execution by a municipality of any agreement, deed,

lease, conveyance or other instrument pursuant to this section or any other section of this act shall be authorized in the manner provided in article 22 of the compact of April 30, 1921 between the two states creating the port authority, except that as to towns in the State of New York, such consent shall be authorized in the manner provided in the town law and as to counties in the State of New Jersey, such consent shall be authorized in the manner provided in Title 40 of the Revised Statutes.

Any consent by either state shall be effective if given, and the terms and conditions and execution of any agreement, deed, lease, conveyance or other instrument pursuant to this section or any other section of this act shall be effective if authorized by the Governor of such state. Any consent by a public authority, agency or commission shall be effective if given by such public authority, agency or commission.

C. 32:1-35.80 Suits, actions or proceedings.

9. The States of New York and New Jersey hereby consent to suits, actions or proceedings by any municipality, public authority, agency or commission against the port authority upon, in connection with or arising out of any agreement, or any amendment thereof, entered into for any of the purposes of this act, as follows:

a. For judgments, orders or decrees restraining or enjoining the port authority from transferring title to real property to other persons in cases where it has agreed with said municipality, public authority, agency, or commission for transfer of such title to the municipality, public authority, agency or commission; and

b. For judgments, orders or decrees restraining or enjoining the port authority from committing or continuing to commit other breaches of such agreement or any amendment thereof; provided, that such judgment, order or decree shall not be entered except upon 2 days' prior written notice to the port authority of the proposed entry thereof; and provided further that upon appeal taken by the port authority from such judgment, order or decree the service of the notice of appeal shall perfect the appeal and stay the execution of such judgment, order or decree appealed from without an undertaking or other security.

Nothing herein contained shall be deemed to revoke, rescind or affect any consent to suits, actions, or proceedings against the port authority heretofore given by the two said states in chapter 301 of the laws of New York of 1950 and chapter 204 of the laws of New Jersey of 1951.

C. 32:1-35.81 Effectuation of industrial development projects or facilities.

10. The effectuation of industrial development projects or facilities or any such projects or facilities constituting a portion of any industrial development project or facility, are and will be in all respects for the benefit of the people of the States of New York and New Jersey, for the increase of their commerce and prosperity and for the improvement of their health and living conditions; and the port authority and any subsidiary corporation incorporated for any of the purposes of this act shall be regarded as performing an essential governmental function in undertaking the effectuation thereof, and in carrying out the provisions of law relating thereto.

C. 32:1-35.82 Payment in lieu of taxes.

11. The port authority shall be required to pay no taxes or assessments upon any of the property acquired and used by it for any of the purposes of this act or upon any deed, mortgage or other instrument affecting such property or upon the recording of any such instrument. However, to the end that no taxing jurisdiction shall suffer undue loss of taxes and assessments by reason of the acquisition and ownership of property by the port authority for any of the purposes of this act, the port authority is hereby authorized and empowered, in its discretion, to enter into a voluntary agreement or agreements with any city, town, township or village whereby the port authority will undertake to pay in lieu of taxes a fair and reasonable sum, if any, or sums annually in connection with any real property acquired and owned by the port authority for any of the purposes of this act and to provide for the payment as a rental or additional rental charge by any person occupying any portion of any industrial development project or facility either as lessee, vendee or otherwise of such reasonable sum, if any, or sums as hereinafter provided. Such sums in connection with any real property acquired and owned by the port authority for any of the purposes of this act shall not be more than the sum last paid as taxes upon such real property prior to the time of its acquisition by the port authority; provided, however, that in connection with any portion of any industrial development project or facility, which is owned by the port authority or another governmental entity and improved pursuant to this act with buildings, structures or improvements greater in value than the buildings, structures or improvements in existence at the time of its acquisition, development or improvement by the port authority, any person occupying such portion of such industrial

development project or facility either as lessee, vendee or otherwise shall, as long as title thereto shall remain in the port authority or in another governmental entity, pay as a rental or additional rental charge an amount in lieu of taxes, if any, not in excess of the taxes on such improvements and on personal property, including water and sewer service charges or assessment, which such person would have been required to pay had it been the owner of such property during the period for which such payment is made; provided further, however, that neither the port authority nor any of its projects, facilities, properties, moneys or bonds and notes shall be obligated, liable or subject to lien of any kind whatsoever for the enforcement, collection or payment thereof. Each such city, town, township or village is hereby authorized and empowered to enter into such agreement or agreements with the port authority, which agreement or agreements may also include provisions with respect to the joint review of categories of tenants proposed as occupants for industrial development projects or facilities with the cities, towns, townships or villages in which they are proposed to be located, and to accept the payment or payments which the port authority is hereby authorized and empowered to make or which are paid by a person occupying any such portion of such industrial development project or facility as rental or as additional rental in lieu of taxes, and the sums so received by such city, town, township or village shall be devoted to purposes to which taxes may be applied in all affected taxing jurisdictions unless and until otherwise directed by law of the state in which such city, town, township or village is located. At least 10 days prior to the authorization by the port authority of any agreement provided for in this section 11, the port authority shall notify the chief executive officer of each city in the port district within which an industrial development project or facility has been included in the master plan provided for in paragraph b. of section 3 hereof of the proposed authorization of such agreement, shall seek their comments and shall include with such authorization any comments received from such city. The port authority shall not sell or lease substantially all of an industrial development project or facility to a proposed purchaser or lessee without the prior approval by the municipality wherein the project or facility is located of such purchaser or lessee.

C. 32:1-35.83 Details of effectuation; jurisdiction over projects and facilities; subsidiary corporations.

12. Except as otherwise specifically provided, all details of the effectuation, including but not limited to details of financing,

leasing, rentals, fees and other charges, rates, contracts and services, of industrial development projects or facilities by the port authority shall be within its sole discretion and its decision in connection with any and all matters concerning industrial development projects or facilities shall be controlling and conclusive; provided that the construction and operation of any such project or facility shall conform to the environmental and solid waste disposal standards and any state and county plans therefore in the state in which such project or facility is located. At least 90 days prior to the authorization by the port authority of the first contract for the construction of any industrial development project or facility, the port authority shall transmit to the Governor of the state in which such project or facility is to be located a statement as to the conformance of such industrial development project or facility with such environmental and solid waste disposal standards and any state and county plans therefor, and shall consult with such Governor or his designee with respect thereto. The port authority and the city, town, township or village in which any industrial development project or facility is to be located and for whose benefit such project or facility is undertaken are hereby authorized and empowered to enter into an agreement or agreements to provide which local laws, resolutions, ordinances, rules and regulations, if any, of such city, town, township or village affecting any industrial development project or facility shall apply to such project or facility. All other existing local laws, resolutions, ordinances or rules and regulations not provided for in such agreement shall be applicable to such industrial development projects or facilities. All such local laws, resolutions, ordinances or rules and regulations enacted after the date of such agreement or agreements shall not be applicable to such projects or facilities unless made applicable by such agreement or agreements or any modification or modifications thereto.

So long as any facility constituting a portion of any industrial development project or facility shall be owned, controlled or operated by the port authority, no public authority, agency, commission or municipality of either or both of the two states shall have jurisdiction over such project or facility nor shall any such public authority, agency, commission or municipality have any jurisdiction over the terms or method of effectuation of all or any portion thereof by the port authority including but not limited to the transfer of all or any portion thereof to or by the port authority; provided, however, the port authority is authorized and empowered to submit to the jurisdiction over such project or facility of either

state or any department thereof or any such public authority, agency, commission or municipality when the exercise of such jurisdiction is necessary for the administration or implementation of Federal environmental or solid waste disposal laws by either state.

Nothing in this act shall be deemed to prevent the port authority from establishing, acquiring, owning, leasing, constructing, effectuating, developing, maintaining, operating, rehabilitating, improving, selling, transferring or mortgaging all or any portion of any industrial development project or facility through wholly owned subsidiary corporations of the port authority or subsidiary corporations owned by the port authority jointly with any public authority, agency or commission of either or both of the two states or from transferring to or from any such corporations any moneys, real property or other property for any of the purposes of this act. If the port authority shall determine from time to time to form such a subsidiary corporation it shall do so by executing and filing with the Secretary of State of the State of New York and the Secretary of State of the State of New Jersey a certificate of incorporation, which may be amended from time to time by similar filing, which shall set forth the name of such subsidiary corporation, its duration, the location of its principal office, any joint owners thereof, and the purposes of the corporation which shall be one or more of the purposes of establishing, acquiring, owning, leasing, constructing, effectuating, developing, maintaining, operating, rehabilitating, improving, selling, transferring or mortgaging all or any portion of any industrial development project or facility. The directors of such subsidiary corporation shall be the same persons holding the offices of commissioners of the port authority together with persons representing any joint owner thereof as provided for in the agreement in connection with the incorporation thereof. Such subsidiary corporation shall have all the powers vested in the port authority itself for the purposes of this act except that it shall not have the power to contract indebtedness. Such subsidiary corporation and any of its property, functions and activities shall have all of the privileges, immunities, tax exemptions and other exemptions of the port authority and of the port authority's property, functions and activities. Such subsidiary corporation shall be subject to the restrictions and limitations to which the port authority may be subject, including, but not limited to the requirement that no action taken at any meeting of the board of directors of such subsidiary corporation shall have force or effect until the Governors of the

two states shall have an opportunity, in the same manner and within the same time as now or hereafter provided by law for approval or veto of actions taken at any meeting of the port authority itself, to approve or veto such action. Such subsidiary corporation shall be subject to suit in accordance with section 9 of this act and chapter 301 of the laws of New York of 1950 and chapter 204 of the laws of New Jersey of 1951 as if such subsidiary corporation were the port authority itself. Such subsidiary corporation may be a participating employer under the New York retirement and social security law or any similar law of either state and the employees of any such subsidiary corporation, except those who are also employees of the port authority, shall not be deemed employees of the port authority.

Whenever any state, municipality, commission, public authority, agency, officer, department, board or division is authorized and empowered for any of the purposes of this act to cooperate and enter into agreements with the port authority or to grant any consent to the port authority or to grant, convey, lease or otherwise transfer any property to the port authority or to execute any document, such state, municipality, commission, public authority, agency, officer, department, board or division shall have the same authorization and power for any of such purposes to cooperate and enter into agreements with such subsidiary corporation and to grant consents to such subsidiary corporation and to grant, convey, lease or otherwise transfer property to such subsidiary corporation and to execute documents for such subsidiary corporation.

C. 32:1-35.84 Bonds issued by port authority as securities.

13. The bonds issued by the port authority to provide funds for any of the purposes of this act are hereby made securities in which all state and municipal officers and bodies of both states, all trust companies and banks other than savings banks, all building and loan associations, savings and loan associations, investment companies and other persons carrying on a commercial banking business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all administrators, executors, guardians, trustees and other fiduciaries, and all other persons whatsoever other than savings banks, who are now or may hereafter be authorized by either state to invest in bonds of such state, may properly and legally invest any funds, including capital, belonging to them or within their control, and said bonds are hereby made securities which may properly and legally be deposited with and shall be received by any state or municipal officer or agency of

either state for any purpose for which the deposit of bonds of such state is now or may hereafter be authorized. The bonds issued by the port authority to provide funds for any of the purposes of this act as security for which the general reserve fund shall have been pledged in whole or in part are hereby made securities in which all savings banks also may properly and legally invest any funds including capital, belonging to them or within their control.

C. 32:1-35.85 Acquisition of property; right of eminent domain.

14. Subsequent to and subject to the execution of the agreement or agreements authorized by sections 11 and 12 hereof for the projects and facilities and at the locations specified herein, if the port authority shall find it necessary, convenient or desirable to acquire from time to time any real property or any property other than real property including but not limited to contract rights and other tangible or intangible personal property, for any of the purposes of this act whether for immediate or future use (including temporary construction, rehabilitation or improvement), the port authority may find and determine that such property, whether a fee simple absolute or a lesser interest, is required for a public use, and upon such determination the said property shall be and shall be deemed to be required for such public use until otherwise determined by the port authority, and such determination shall not be affected by the fact that such property has theretofore been taken for and is then devoted to a public use; but the public use in the hands of or under the control of the port authority shall be deemed superior to the public use in the hands of any other person, association or corporation.

The port authority may acquire and is hereby authorized so to acquire from time to time, for any of the purposes of this act, such property, whether a fee simple absolute or a lesser interest, by condemnation, including the exercise of the right of eminent domain under and pursuant to the provisions of the eminent domain procedure law of the State of New York in the case of property located in or having its situs in such state, or the "Eminent Domain Act," P. L. 1971, c. 361 (C. 20:3–1 et seq.), in the case of property located in or having its situs in the State of New Jersey, or, at the option of the port authority, as provided in section 15 of chapter 43 of the laws of New Jersey of 1947, as amended, in the case of property located in or having its situs in such state, or pursuant to such other and alternate procedure as may be provided by law of the state in which such property is located or has its situs; and all of said statutes for the acquisition of real property shall, for any

of the purposes of this act, be applied also to the acquisition of other property authorized by this section, except that such provisions as pertain to surveys, diagrams, maps, plans or profiles, assessed valuation, lis pendens, service of notice and papers, filing in the office of the clerk in which the real property affected is situated and such other provisions as by their nature cannot be applicable to property other than real property, shall not be applicable to the acquisition of such other property. In the event that any property other than real property is acquired for any of the purposes of this act under this section then, with respect to such other property, notice of such proceeding and all subsequent notices or court processes shall be served upon the owners of such other property and upon the port authority by personal service or by registered or certified mail, except as may be otherwise directed by the court.

The port authority is hereby authorized and empowered, in its discretion, from time to time to combine any property which is to be acquired as aforesaid by condemnation for any of the purposes of this act for acquisition in a single action or proceeding notwithstanding that part of the property so to be acquired is personal property or mixed real and personal property or may be owned by more than one owner.

The owner of any property acquired by condemnation or the exercise of the right of eminent domain for any of the purposes of this act shall not be awarded for such property any increment above the just compensation required by the constitutions of the United States and of the state or states in which the property is located or has its situs by reason of any circumstances whatsoever.

Nothing herein contained shall be construed to prevent the port authority from bringing any proceedings to remove a cloud on title or such other proceedings as it may, in its discretion, deem proper and necessary, for from acquiring any such property by negotiation or purchase.

Where a person entitled to an award in the proceedings for the acquisition of property by condemnation or the right of eminent domain for any of the purposes of this act remains in possession of such property after the time of the vesting of title in the port authority, the reasonable value of this use and occupancy of such property subsequent to such time, as fixed by agreement or by the court in such proceedings or by any court of competent jurisdiction, shall be a lien against such award, subject only to liens of record at the time of the vesting of title in the port authority.

C. 32:1-35.86 Right to enter into real property for certain purposes.

15. The port authority and its duly authorized agents, and all persons acting under its authority and by its direction, may enter in the daytime into and upon any real property for the purpose of making such surveys, diagrams, maps, plans, soundings or borings as the port authority may deem necessary, convenient or desirable for any of the purposes of this act.

C. 32:1-35.87 Other port authority facilities and properties; powers of port authority.

16. Any declarations contained herein with respect to the governmental nature and public purpose of any industrial development project or facility and to the exemption of any industrial development project or facility property and instruments relating thereto from taxation and to the discretion of the port authority with respect to said projects or facilities shall not be construed to imply that other port authority facilities, property and operations are not of a governmental nature or do not serve public purposes, or that they are subject to taxation, or that the determinations of the port authority with respect thereto are not conclusive. The powers hereby vested in the port authority and in any subsidiary corporation incorporated for any of the purposes of this act including but not limited to the power to acquire real property by condemnation or the exercise of the right or eminent domain shall be continuing powers and no exercise thereof by the port authority or a subsidiary corporation incorporated for any of the purposes of this act shall be deemed to exhaust them or any of them.

C. 32:1-35.88 Supplement to compact; liberal construction.

17. This section and the preceding sections hereof constitute an agreement between the states of New York and New Jersey supplementary to the compact between the two states dated April 30, 1921 and amendatory thereof, and shall be liberally construed to effectuate the purposes of said compact and of the comprehensive plan heretofore adopted by the two states, and the powers granted to the port authority shall be construed to be in aid of and not in limitation or in derogation of any other powers, heretofore conferred upon or granted to the port authority.

C. 32:1-35.89 Partial invalidity.

18. If any section, part, phrase, or provision of this act or the application thereof to any person or circumstances be adjudged invalid by any court of competent jurisdiction, so long as the act or remainder of the act shall nonetheless permit the effectuation,

as a unified project, of any industrial development project or facility, such judgment shall be confined in its operation to the section, part, phrase, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this act or the application thereof to other persons or circumstances and the two states hereby declare that they would have entered into this act or the remainder thereof had the invalidity of such provision or application thereof been apparent.

C. 32:1-35.90 Copy of minutes of any action taken at meetings; filing; notice to Governor of each state; waiver of filing requirement.

19. A copy of the minutes of any action taken at any meeting of the port authority in connection with any modification, addition or deletion in or to any or all of the covenants with or pledges to bondholders contained in a resolution authorizing the issuance of consolidated bonds of the port authority from such covenants or pledges set forth in the immediately preceding resolution of the port authority authorizing the issuance of such bonds shall be filed with the temporary President and Minority Leader of the Senate and the Speaker and Minority Leader of the Assembly of the State of New York and the Secretary of the Senate and Clerk of the General Assembly of the State of New Jersey within 10 calendar days prior to transmitting the same to the Governor of each state for review if the legislature of such state be in session and not adjourned for more than 2 days, and, in the event the legislatures of the respective states are not in session or are adjourned for more than 2 days, the same shall be filed with such officers 30 calendar days prior to transmitting the same to the Governor of each state for review. Notice of such filing shall be provided to the Governor of each state at the same time.

The temporary President and Minority Leader of the Senate and the Speaker and Minority Leader of the Assembly of the State of New York and the Speaker of the General Assembly and the President of the Senate of the State of New Jersey, or their representatives designated by them in writing for this purpose, may by certificate filed with the secretary of the port authority waive the foregoing filing requirement with respect to any specific minutes.

C. 32:1-35.91 Filing of minutes of any action taken by port authority with certain legislative leaders of two states; waiver.

20. The port authority shall file with the temporary President and Minority Leader of the Senate and the Speaker and Minority Leader of the Assembly of the State of New York and the Secretary

of the Senate and the Clerk of the General Assembly of the State of New Jersey a copy of the minutes of any action taken at any meeting of the port authority in connection with any of the purposes of this act. Such filing must be made at least 10 calendar days before such minutes are transmitted to the Governor of each state for review; and notice of such filing shall be provided to the Governor of each state at the same time.

The temporary President and Minority Leader of the Senate and the Speaker and Minority Leader of the Assembly of the State of New York and the Speaker of the General Assembly and the President of the Senate of the State of New Jersey, or their representatives designated by them in writing for this purpose, may by certificate filed with the secretary of the port authority waive the foregoing filing requirement with respect to any specific minutes.

C. 32:1-35.92 Special report.

21. The Comptroller of the State of New York and the Treasurer of the State of New Jersey may each from time to time request a special report with such information as each such officer may require with respect thereto from the port authority with respect to any or all industrial development projects or facilities.

C. 32:1-35.93 Effective date.

22. This act shall take effect upon the enactment into law by the State of New York of legislation having an identical effect with this act, but if the State of New York has already enacted such legislation, this act shall take effect immediately.

Approved August 24, 1978.

CHAPTER 111

AN ACT to amend "An act concerning the rate of mileage reimbursement allowance to officers or employees of the State in certain cases," filed April 13, 1943 (P. L. 1943, c. 188).

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

1. Section 1 of P. L. 1943, c. 188 (C. 52:14–17.1) is amended to read as follows:

C. 52:14-17.1 Mileage reimbursement allowance.

1. All mileage in lieu of actual expenses of transportation allowed an officer or employee of the State traveling by his own automobile on official business away from his designated post of duty or official station shall be at the rate of $0.16 per mile.

2. This act shall take effect immediately.

Approved September 1, 1978.

CHAPTER 112

AN ACT to amend the "County Improvement Authorities Law," approved January 18, 1961 (P. L. 1960, c. 183).

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

1. Section 11 of P. L. 1960, c. 183 (C. 40:37A–54) is amended to read as follows:

C. 40:37A-54 Purposes of authority.

11. The purposes of every authority shall be (a) provision within the county of public buildings for use by the State, the county, or any municipality in the county, or any two or more or any subdivisions, departments, agencies or instrumentalities of any of the foregoing, including buildings for use by any municipality bordering on the Atlantic ocean as enlargements or parts of or supplements to any municipal convention hall maintained by it, (b) provision within the county of structures, franchises, equipment and facilities for operation of public transportation or for terminal purposes, including development and improvement of port terminal structures, facilities and equipment for public use in counties in, along or through which a navigable river flows, (c) provision within the county of structures or other facilities used or operated by the authority or any governmental unit in connection with, or relative to development and improvement of, aviation for military or civilian purposes, including research in connection therewith, and including structures or other facilities for the accommodation of passengers, (d) acquisition of any real property within the county, with or without the improvements thereof or thereon or personal property appurtenant or incidental thereto, from the United States of America or any department, agency or instrumentality

heretofore or hereafter created, designated or established by or for it, and the clearance, development or redevelopment, improvement, use or disposition of the acquired lands and premises in accordance with the provisions and for the purposes stated in this act, including the construction, reconstruction, demolition, rehabilitation, conversion, repair or alteration of improvements on or to said lands and premises, and structures and facilities incidental to the foregoing as may be necessary, convenient or desirable, (e) acquisition, construction, maintenance and operation of garbage and solid waste disposal systems for the purpose of collecting and disposing of garbage, solid waste or refuse matter, (f) the improvement, furtherance and promotion of the tourist industries and recreational attractiveness of the county through the planning, acquisition, construction, improvement, maintenance and operation of facilities for the recreation and entertainment of the public, which facilities may include, without being limited to, a center for the performing and visual arts, and (g) any combination or combinations of the foregoing.

2. This act shall take effect immediately.

Approved September 6, 1978.

CHAPTER 113

AN ACT concerning the recovery of the costs of removal or demolition of dangerous buildings and structures by municipalities in certain cases, and supplementing chapter 48 of Title 40 of the Revised Statutes.

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

C. 40:48-1.1 Removal or demolition of hazardous buildings; recovery of costs.

1. Whenever any municipality, pursuant to law or pursuant to any ordinance, code, rule or regulation adopted pursuant to law, undertakes the removal or demolition of any building or structure which is dangerous to human life or the public welfare or which constitutes a fire hazard, the governing body of the municipality, in addition to assessing the cost of such removal or demolition as a municipal lien against the premises, may enforce the payment of such assessment, together with interest, as a debt of the owner

of the premises and may authorize the institution of an action at law for the collection thereof. The superior court, a county court, or a county district court shall have jurisdiction of any such action.

2. This act shall take effect immediately.

Approved September 11, 1978.

CHAPTER 114

AN ACT concerning payments to contractors by local units in certain cases, and supplementing chapter 5 of Title 40A of the New Jersey Statutes.

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

C. 40A:5-16.2 Advance payment to private nonprofit organization or agency with which local unit enters into service contract.

1. Notwithstanding the provisions of N. J. S. 40A:5–16, the governing body of any local unit may, by resolution, provide for and authorize payment of an advance to any nonprofit organization or agency with which the local unit has entered into a service contract, for the purpose of meeting service program start-up costs; provided, however, that:

a. The source of the funds to be advanced is a Federal grant allowing the local unit to receive funds in advance of disbursement and requiring that any interest earned on said funds be returned to the Federal Government;

b. The governing body has determined, by resolution, that the advance is necessary in order to prevent undue hardship to said contractor in achieving the objectives of the Federal grant;

c. The amount of the advance to any given contractor does not exceed an amount equal to the total amount of the contract divided by the number of months in the term of the contract, and provided further that the total disbursements of the local unit to the contractor, including the amount of the advance outstanding, shall not, at any time, exceed the total cash receipts of the local unit under the Federal grant up to that time; and,

d. The resolution authorizing the advance includes a schedule for the depletion of the advance, in accordance with sound accounting practice, indicating that the advance will be entirely depleted by the termination date of the contract.

2. This act shall take effect immediately.

Approved September 11, 1978.

CHAPTER 115

AN ACT concerning county and municipal support of first aid and emergency or volunteer ambulance or rescue squad associations, and amending R. S. 40:5–2.

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

1. R. S. 40:5–2 is amended to read as follows:

Contributions to first aid and emergency or volunteer ambulance or rescue squad associations.

40:5–2. Any county or municipality may make a voluntary contribution of not more than $25,000.00 annually to any duly incorporated first aid and emergency or volunteer ambulance or rescue squad association of the county, or of any municipality therein, rendering service generally throughout the county, or any of the municipalities thereof. In addition, if any such associations experience extraordinary need, the county or municipality may contribute an additional amount of not more than $25,000.00 annually; provided, however, that the need for such additional funds is established by the association and is directly related to the performance of said association's duties. The chief financial officer of the county or municipality shall perform an audit in any year in which any contribution is made of each association's financial records for the current year and shall certify to the governing body of the county or municipality that such records are being maintained in accordance with sound accounting principles.

2. This act shall take effect immediately.

Approved September 11, 1978.

CHAPTER 116

AN ACT to amend "An act concerning disorderly persons in relation to shoplifting; creating certain presumptions arising out of the concealment of unpurchased merchandise; and providing that the detaining for probable cause and for a reasonable time of persons under suspicion of shoplifting, by certain officers or

merchants shall not render any such officer or merchant criminally or civilly liable in any manner or to any extent whatsoever, and supplementing subtitle 12 of Title 2A of the New Jersey Statutes," approved December 5, 1962 (P. L. 1962, c. 178).

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

1. Section 1 of P. L. 1962, c. 178 (C. 2A:170–97) is amended to read as follows:

C. 2A:170-97 Definitions.

1. For the purposes of this act, unless the context clearly requires a different meaning:

"Shoplifting" shall consist of any one or more of the following acts:

a. For any person willfully to take possession of, carry away, transfer or cause to be carried away or transferred, any merchandise displayed, held, stored or offered for sale by any store or other retail mercantile establishment with the intention of depriving the merchant of the possession, use or benefit of such merchandise or converting the same to the use of such person without paying to the merchant the full retail value thereof.

b. For any person willfully to conceal upon his person or otherwise any merchandise offered for sale by any store or other retail mercantile establishment with the intention of depriving the merchant of the processes, use or benefit of such merchandise or converting the same to the use of such person without paying to the merchant the value thereof.

c. For any person willfully to alter, transfer or remove any label, price tag or marking or indicia of value of any other markings which aid in determining value affixed to any merchandise displayed, held, stored or offered for sale by any store or other retail mercantile establishment and to attempt to purchase such merchandise personally or in consort with another at less than the full retail value with the intention of depriving the merchant of all or some part of the value thereof.

d. For any person willfully to transfer any merchandise displayed, held, stored or offered for sale by any store or other retail merchandise establishment from the container in or on which the same shall be displayed to any other container with intent to deprive the merchant of all or some part of the retail value thereof.

e. For any person willfully to under-ring with the intention of depriving the merchant of the full retail value thereof.

f. For any person willfully to remove a shopping cart from the premises of a store or other retail mercantile establishment without the consent of the merchant given at the time of such removal with intention of permanently depriving the merchant of the possession, use or benefit of such cart.

"Shopping cart" means those push carts of the type or types which are commonly provided by grocery stores, drug stores or other retail mercantile establishments for the use of the public in transporting commodities in stores and markets and, incidentally, from the stores to a place outside the store.

"Store or other retail mercantile establishment" means a place where merchandise is displayed, held, stored or sold or offered to the public for sale.

"Merchandise" means any goods, chattels, foodstuffs or wares of any type and description, regardless of the value thereof.

"Merchant" means any owner or operator of any store or other retail mercantile establishment, or any agent, servant, employee, lessee, consignee, officer, director, franchisee or independent contractor of such owner or proprietor.

"Person" means any individual or individuals, including an agent, servant or employee of a merchant where the facts of the situation so require.

"Conceal" means to conceal merchandise so that, although there may be some notice of its presence, it is not visible through ordinary observation.

"Full retail value" means the merchant's stated or advertised price of the merchandise.

"Premises of a store or retail mercantile establishment" means and includes but is not limited to, the retail mercantile establishment; any common use areas in shopping centers and all parking areas set aside by a merchant or on behalf of a merchant for the parking of vehicles for the convenience of the patrons of such retail mercantile establishment.

"Under-ring" means to cause the cash register or other sale recording device to reflect less than the full retail value of the merchandise.

2. Section 2 of P. L. 1962, c. 178 (C. 2A:170–98) is amended to read as follows:

C. 2A:170-98 Shoplifter as disorderly person; punishment.

2. Any person found guilty of shoplifting, as the same is defined in section 1 of this act, is a disorderly person, and shall be punished as follows:

a. By a fine of not more than $500.00 or by imprisonment for not more than 6 months, or both, for a first offense;

b. By a fine of not less than $100.00 or more than $500.00, or by imprisonment for not more than 6 months, or both, for a second offense;

c. By a fine of not less than $250.00, nor more than $500.00 or by imprisonment for not less than 30 days or more than 6 months, for a third and subsequent offense.

3. Section 3 of P. L. 1962, c. 178 (C. 2A:170-99) is amended to read as follows:

C. 2A:170-99 Willful concealment of unpurchased merchandise; presumption; prima facie evidence.

3. Any person willfully concealing unpurchased merchandise of any store or other retail mercantile establishment, either on the premises or outside the premises of such store or other retail mercantile establishment, shall be prima facie presumed to have so concealed such merchandise with the intention of depriving the merchant of the possession, use or benefit of such merchandise without paying the full retail value thereof within the meaning of section 1 of this act, and the finding of such merchandise concealed upon the person or among the belongings of such person shall be prima facie evidence of willful concealment; and if the such person conceals, or causes to be concealed, such merhandise upon the person or among the belongings of another, the finding of the same shall also be prima facie evidence of willful concealment on the part of the person so concealing such merchandise.

4. This act shall take effect immediately.

Approved September 11, 1978.

CHAPTER 117

AN ACT to provide for the inclusion of fine arts in the design of public buildings constructed by the State of New Jersey, amending P. L. 1966, c. 214, and supplementing Title 52 of the Revised Statutes and making an appropriation therefor.

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

C. 52:16A-29 Short title.

1. (New section) This act shall be known and may be cited as the "Public Buildings Arts Inclusion Act."

C. 52:16A-30 Definitions.

2. (New section) For the purposes of this act, except as the context may otherwise clearly require:

a. "Public building" means any permanent structure, wholly or partially enclosed, which is intended to provide offices, courtrooms, hearing rooms, auditoriums, meeting rooms, classrooms and other educational facilities, eating or sleeping facilities, medical or dental facilities, transportation terminals, libraries, museums and the like, which are intended for the use or accommodation of the general public or for any category or classification thereof in connection with the furtherance of public law or policy necessarily or incidentally requiring the provision of such accommodations or facilities, together with all its grounds and appurtenant structures and facilities.

b. "Fine arts" means sculpture, murals, mosaics, bas reliefs, frescoes, tapestries, monuments, fountains and other ornamentations or displays which are intended to complement the artistic quality and esthetic effect of any buildings or structures in which they are contained or to which they are applied or with which they are connected, even if spacially separated, by their integration into a total architectural design. The term does not include the incidental ornamental detail of functional structural elements or of hardware and other functional accessories unless such ornamental detail is not generally available from the manufacturers or purveyors of such materials and must be specially designed and produced for use in a particular building or related group of buildings.

c. "State" means the Government of the State of New Jersey and all departments, bureaus, boards, commissions, agencies and instrumentalities thereof, except political subdivisions (as the same are defined in the "Local Government Supervision Act (1947)" (P. L. 1947, c. 151; C. 52:27BB-1 et seq.) and their agencies and instrumentalities.

d. "Contracting officer" means the public officer or body responsible for securing the preparation of plans and specifications of a public building for the purpose of negotiating or advertising for bids for the construction of such building.

e. "Principal user" means that public officer or employee who will have principal administrative responsibility for the actual utilization of a proposed public building; or, if such officer or employee has not been duly designated, then the public officer, employee, board, commission or other agency or instrumentality which is authorized to make such designation, or a representative thereof authorized or designated thereby to perform the duties and functions provided in this act to be performed by the principal user.

f. "Architect" means any architect, engineer or other person licensed or otherwise authorized by or pursuant to law to prepare plans and specifications for a public building.

g. "Council" means the New Jersey State Council on the Arts established pursuant to P. L. 1966, c. 214 (C. 52:16A-25 et seq.), or any committee or officer thereof as may be from time to time authorized and delegated by the council to perform for it and in its name any of the functions provided for in this act.

C. 52:16A-31 Consultations with council; incorporation of council's recommendations; approval of artistic designs; limitation on costs of fine arts elements.

3. (New section) a. Whenever a new public building is to be constructed at the expense and for the use of the State, the contracting officer shall, together with the architect whom he has engaged, consult with the council regarding the elements of fine arts to be included or incorporated in the design of such building or buildings.

b. As a result of such consultations the architect may incorporate the recommendations of the council in the design of such building or buildings. Expenditures for recommendations concerning the inclusion of artistic designs in State buildings shall be approved by the State House Commission.

c. The total estimated cost of the fine arts elements included in such plans and specifications for a public building or group of

public buildings for the purpose of implementing the design thereof in accordance with the purposes of this act shall not exceed 1½% of the total estimated cost of the construction of such building or group of buildings.

C. 52:16A-32 Execution of fine arts elements by separate contract; selection of artists; negotiation of contracts.

4. (New section) a. The execution of the fine arts elements determined upon pursuant to section 3 of this act shall be let as a separate contract or contracts. Except as provided in section 5 of this act, the artist or artists who are to execute such fine arts elements shall be selected jointly by the architect and the contracting officer, after consultation with the council and the principal user.

b. For the purpose of assisting in the selection of artists the council shall develop criteria which may be employed in the selection process. The council shall also endeavor to establish and maintain a register of competent artists in the various branches of the fine arts, particularly with reference to artists who are citizens and residents of this State, from among whom artists who may be particularly suited for the various types of work likely to be required may be readily identified and selected.

c. Contracts for such work shall be negotiated within the limits of the estimated cost as determined pursuant to section 3 of this act. Public competitive bidding shall not be required for any such contract.

C. 52:16A-33 Selection by means of public competition; terms; awarding of prizes; notice of competition; expenditures.

5. (New section) a. Upon the council's review of the elements of fine arts to be incorporated in such structure or group of structures, the council may determine that such selection or selections shall be made by means of public competition. The contract to be let by such competition shall be in fixed amount made public prior to the competition; but no such competition shall be held for the award of a contract of less than $2,500.00.

b. The council shall set the terms of the competition, and shall provide that the artist submitting the design most in accord with the architect's intentions and most in keeping with the style and design of the building, and who, from his designs or other materials submitted pursuant to the rules of the competition, appears most able to execute the work in a satisfactory manner, shall be awarded the contract for which the competition is held.

c. In any such competition, the council may provide, within the limit of funds appropriated or otherwise made available to it for

the purpose, for the award of prizes to competitors other than those awarded contracts as a result of the competition, on the basis of the artistic qualities of their designs. Such prizes may be awarded when, in the judgment of the council, it is necessary or desirable in order to encourage a sufficient number of artists to enter the competition so as to provide an ample field of choice in selecting an artist to be awarded a contract.

d. In connection with any competition authorized under this section, the council shall take such steps as are within its power to assure that notice of such competition will be effectively publicized so as to attract competitors; and to that end it is authorized to expend such funds as may be appropriated or otherwise made available to it for that purpose.

e. No expenditure authorized under subsection c. or d. of this section shall be made from or charged to the 1½% allowance provided for in section 3 of this act.

6. Section 2 of P. L. 1966, c. 214 (C. 52:16A–26) is amended to read as follows:

C. 52:16A-26 Duties of council.

2. The duties of the council shall be:

(a) To take such steps as may be deemed necessary and appropriate to stimulate and encourage the study and presentation of the performing and creative arts, and to foster public interest in and support of the arts in our State.

(b) To make such surveys as may be deemed advisable to public and private institutions within the State engaged in the performing and creative arts, and to make recommendations for appropriate action to enlarge the State's resources in the performing and creative arts.

(c) To encourage and assist freedom of expression in the performing and creative arts.

(d) To assist in complementing the design of public buildings in this State in accordance with the provisions of the "Public Buildings Arts Inclusion Act."

For the purposes of this act, the term "performing and creative arts" shall include, but not be limited to, music, theater, dance, literature, painting, sculpture, architecture, photography, film art, handicrafts, graphic arts and design.

C. 52:16A-34 Consultations with officers or representatives of arts institutions and organizations.

7. (New section) The council, in making recommendations or suggestions to a public body or officer pursuant to the duties

imposed upon it under sections 3 and 4 of this act, or in arranging, conducting or judging a competition pursuant to section 5 of this act, shall before doing so consult thereon with officers or other appropriate representatives of relevant arts institutions and organizations in New Jersey, such as museums, societies and associations of artists and architects, schools of art and architecture, and such other organizations, associations or institutions as may be appropriate to the matter under consideration, including the major nonprofit public or private museums in the State whose collections encompass the fine arts.

8. There is hereby appropriated to the council the sum of $25,000.00 to carry out the purposes of this act.

9. This act shall take effect immediately, but shall not apply to any contracts for the construction of any public buildings for which architectural design contracts have been awarded.

Approved September 17, 1978.

CHAPTER 118

AN ACT authorizing the creation of a debt of the State of New Jersey by issuance of bonds of the State in the sum of $200 million to provide money for public acquisition and development of lands for recreation and conservation purposes to meet the future needs of the expanding population; to enable the State to acquire and develop lands for recreation and conservation purposes and to provide for State grants to assist municipalities and counties and other units of local government to acquire and develop lands for recreation and conservation purposes; providing the ways and means to pay the interest of said debt and also to pay and discharge the principal thereof; and providing for the submission of this act to the people at a general election.

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

1. This act may be cited as the "New Jersey Green Acres Bond Act of 1978."

2. The Legislature hereby finds that:

a. The provision of lands for public recreation and the conservation of natural resources promotes the public health, prosperity and general welfare and is a proper responsibility of government;

b. Lands now provided for such purposes will not be adequate to meet the needs of an expanding population in years to come;

c. The expansion of population, while increasing the need for such lands, will continually diminish the supply and tend to increase the cost of public acquisition of lands available and appropriate for such purposes;

d. It is necessary to provide funds to assure that lands which have been, or which may hereafter be, acquired for recreation and conservation purposes can be developed to provide public recreation and conservation opportunities and to implement the New Jersey Statewide Comprehensive Outdoor Recreation Plan.

e. The State of New Jersey must act now to acquire and develop as well as to assist local units to acquire and develop substantial quantities of such lands as are now available and appropriate for such purposes so that they may be used and preserved for use for such purposes; and

f. The sum of $200 million is needed at this time to make such acquisition and development possible.

3. a. Bonds of the State of New Jersey in the sum of $200 million are hereby authorized to provide moneys to meet the cost of public acquisition and development of lands for recreation and conservation purposes.

The cost of public acquisition of such lands shall include the full cost of acquisition of any such lands by the State and, subject to legislation and the conditions prescribed therein, not more than 50% of the cost of acquisition of any such lands by any local unit; provided, however, that the local share of the cost of such acquisition may be reduced by the (1) fair market value, as determined by the commissioner, of any portion of the lands to be acquired which have been donated to, or otherwise received without cost by, such local unit; or (2) in the case of a conveyance to a local unit of such lands or any portion thereof at less than fair market value, by the difference between fair market value thereof at the time of such conveyance and the conveyance price thereof to such local unit.

The cost of development of such lands shall include the full cost of development of any such lands by the State and, subject to legis-

lation and conditions prescribed therein, not more than 50% of the cost of development of any such lands by any local unit.

b. Of the total moneys available under this act, $100 million is hereby allocated for the State acquisition and development, and for State grants to local units for the acquisition and development, of lands located in urban areas.

c. Of the total moneys available under this act, $50 million is hereby allocated for the acquisition and development by the State of lands located in nonurban areas and $50 million is hereby allocated for State grants to local units for the acquisition and development of lands located in nonurban areas.

d. Acquisition of lands actively devoted to agriculture shall be avoided whenever possible and in lieu thereof, whenever feasible, development rights, conservation easements and other interests less than a fee simple shall be acquired.

4. Except as the context may otherwise require:

a. "Cost," as used with respect to cost of acquisition or cost of development, shall include, in addition to the usual connotations thereof, the cost of all things deemed necessary or useful and convenient in connection with the acquisition and development of lands by or with the assistance of the State, for recreation and conservation purposes, including interest or discount on bonds, cost of issuance of bonds, the cost of engineering, inspection, relocation services, legal, financial, geological, hydrological and other professional services, estimates and advice, the cost or organizational, administrative and other work and services, including salaries, supplies, equipment and materials necessary to administer this act, and the cost of reimbursement of any fund from which moneys shall have been advanced to the State Land Acquisition and Development Fund, created herein.

b. "Development" means any improvement to land or water areas designed to expand and enhance their utilization for recreation and conservation purposes, including but not limited to site preparation, landscaping structures or facilities which are substantially consistent with the natural setting and topographical conditions. Such support structures and facilities shall include, but not limited to access roads, interpretative facilities, parking areas, utilities and comfort facilities.

c. "Land" or "lands" means real property, including improvements thereof or thereon, rights-of-way, water, riparian and other rights, easements, privileges and all other rights or interest of

any kind or description in, relating to or connected with real property.

d. "Local unit" means a municipality, county or other political subdivision of this State, or any agency thereof authorized to administer, protect, develop and maintain lands for recreation and conservation purposes.

e. "Recreation and Conservation purposes" means use of lands for parks, natural areas, historic areas, forests, camping, fishing, water reserves, wildlife, reservoirs, hunting, boating, winter sports and similar uses for either public outdoor recreation and conservation of natural resources, or both.

f. "Commissioner" means the Commissioner of Environmental Protection.

g. "Commission" means the New Jersey Commission on Capital Budgeting and Planning.

4.1. The commissioner shall issue and promulgate, pursuant to law, such rules and regulations as are necessary and appropriate to carry out the provisions of this act. The commissioner shall review and consider the findings and recommendations of the commission in the administration of the provisions of this act.

5. To the end that municipalities may not suffer loss of taxes by reason of the acquisition and ownership by the State of New Jersey of property under the provisions of this act, the State shall pay annually on October 1 to each municipality in which property is so acquired, for a period of 13 years following such acquisition the following amounts—in the first year a sum of money equal to the tax last assessed and last paid by the taxpayer upon such land and the improvements thereon for the taxable year immediately prior to the time of its acquisition and thereafter the following percentages of the amount paid in the first year, to wit: second year, 92%; third year, 84%; fourth year, 76%; fifth year, 68%; sixth year, 60%; seventh year, 52%; eighth year, 44%; ninth year, 36%; tenth year, 28%; eleventh year, 20%; twelfth year, 12%; thirteenth year, 4%. In the event that land acquired by the State pursuant to this act had been assessed at an agricultural and horticultural use valuation in accordance with provisions of the "Farmland Assessment Act of 1964," P. L. 1964, c. 48 (C. 54:4–23.1 et seq.), at the time of its acquisition by the State, no rollback tax pursuant to section 8 of P. L. 1964, c. 48 (C. 54:4–23.8) shall be imposed as to such land nor shall such rollback tax be applicable in determining the annual payments to be made by the State to the municipality in which such land is located.

All sums of money received by the respective municipalities as compensation for loss of tax revenue pursuant to this section shall be applied to the same purposes as is the tax revenue from the assessment and collection of taxes on real property of the said municipalities, and to accomplish this end such sums shall be apportioned in the same manner as the general tax rate of the municipality for the tax year preceding the year of receipt.

6. Said bonds shall be serial bonds and known as "State Land Acquisition and Development Bonds" and, as to each series, the last installment thereof (subject to redemption prior to maturity) shall mature and be paid not later than 35 years from the date of its issuance.

7. Said bonds shall be issued from time to time as money is required for the purpose aforesaid, as the issuing officials herein named shall determine.

8. The Governor, State Treasurer and the Comptroller of the Treasury or any two of such officials (hereinafter referred to as "the issuing officials") are hereby authorized to carry out the provisions of this act relating to the issuance of said bonds, and shall determine all matters in connection therewith subject to provisions hereof. In case any of said officials shall be absent from the State or incapable of acting for any reason his powers and duties shall be exercised and performed by such person as shall be authorized by law to act in his place as a State official.

9. Bonds, issued in accordance with the provisions of this act shall be a direct obligation of the State of New Jersey and the faith and credit of the State are pledged for the payment of the interest thereon as same shall become due and the payment of the principal at maturity. The principal and interest of such bonds shall be exempt from taxation by the State or by any county, municipality or other taxing district of the State.

10. Said bonds shall be signed in the name of the State by the Governor or by his facsimile signature, under the Great Seal of the State, and attested by the Secretary of State, or an assistant Secretary of State, and shall be countersigned by the facsimile signature of the Comptroller of the Treasury.

Interest coupons attached to said bonds shall be signed by the facsimile signature of the director of the Comptroller of the Treasury. Such bonds may be issued notwithstanding that any of the officials signing them or whose facsimile signatures appear on the bonds or coupons shall cease to hold office at the time of

such issue or at the time of the delivery of such bonds to the purchaser.

11. a. Such bonds shall recite that they are issued for the purposes set forth in section 3 of this act and that they are issued in pursuance of this act and that this act was submitted to the people of the State at the general election held in the month of November, 1978 and that it was approved by a majority of the legally qualified voters of the State voting thereon at such election. Such recital in said bonds shall be conclusive evidence of the authority of the State to issue said bonds and of their validity. Any bonds containing such recital shall in any suit, action or proceeding involving their validity be conclusively deemed to be fully authorized by this act and to have been issued, sold, executed and delivered in conformity herewith and with all other provisions of statutes applicable thereto, and shall be incontestable for any cause.

b. Such bonds shall be issued in such denominations and in such form or forms, whether coupon or registered as to both principal and interest, and with or without such provisions for interchangeability thereof, as may be determined by the issuing officials.

12. When the bonds are issued from time to time, the bonds of each issue shall constitute a separate series to be designated by the issuing officials. Each series of bonds shall bear such rate or rates of interest, that the aggregate amount of interest payable over the life of such series, less the premium, if any, received upon the sale thereof, shall not exceed an amount not in excess of the maximum rate of interest per annum fixed pursuant to R .S. 31 :1–1 computed over the life of such series, as may be determined by the issuing officials, which interest shall be payable semiannually; provided, that the first and last interest periods may be longer or shorter, in order that intervening semiannual payments may be at convenient dates.

13. Said bonds shall be issued, and sold at such price not less than the par value thereof and accrued interest thereon, and under such terms, conditions and regulations, as the issuing officials may prescribe, after notice of said sale, published at least three times in at least three newspapers published in the State of New Jersey, and at least once in a publication carrying municipal bond notices and devoted primarily to financial news, published in New Jersey or in the city of New York, the first notice to be at least 7 days prior to the day of bidding. The said notice of sale may contain a provision to the effect that any or all bids made in pursuance thereof may be rejected. In the event of such rejection or of

failure to receive any acceptable bid, the issuing officials, at any time within 60 days from the date of such advertised sale, may sell such bonds at private sale upon terms not less favorable to the State than the terms offered by any rejected bid. The issuing officials may sell all or part of the bonds of any series as issued to any State fund or to the Federal Government or any agency thereof, at private sale, without advertisement.

14. Until permanent bonds can be prepared, the issuing officials may, in their discretion, issue in lieu of such permanent bonds temporary bonds in such form and with such privileges as to registration and exchange for permanent bonds as may be determined by the issuing officials.

15. The proceeds from the sale of the bonds shall be paid to the State Treasurer and be held by him in a separate fund, and be deposited in such depositories as may be selected by him to the credit of the fund, which fund shall be known as the "State Land Acquisition and Development Fund."

16. The moneys in the said State Land Acquisition and Development Fund are hereby specifically dedicated to meeting the cost of public acquisition and development of lands for recreation and conservation purposes and shall not be expended except in accordance with appropriations from said fund made by law.

At any time prior to the issuance and sale of bonds under this act, the State Treasurer is hereby authorized to transfer from any available money in the treasury of the State to the credit of the State Land Acquisition and Development Fund such sum as may be deemed necessary for the purposes of this act by the State House Commission, which said sum so transferred shall be returned to the treasury of this State by the treasurer thereof from the proceeds of the sale of the first issue of bonds.

Pending their application to the purposes provided in this act, moneys in the State Land Acquisition and Development Fund may be invested and reinvested as other trust funds in the custody of the State Treasurer in the manner provided by law. All earnings received from the investment or deposit of such funds shall be paid into the General Treasury and become a part of the General State Fund.

17. In case any coupon bonds and coupons thereunto appertaining or any registered bond shall become lost, mutilated or destroyed, a new bond shall be executed and delivered of like tenor, in substitution for the lost, mutilated or destroyed bonds or coupons, upon the owner furnishing to the issuing officials evidence

satisfactory to them of such loss, mutilation or destruction and also such security and indemnity as the issuing officials may require.

18. Accrued interest received upon the sale of said bonds shall be applied to the discharge of a like amount of interest upon said bonds when due. Any expense incurred by the issuing officials for advertising, engraving, printing, clerical, legal or other services necessary to carry out the duties imposed upon them by the provisions of this act shall be paid from the proceeds of the sale of said bonds, by the State Treasurer upon warrant of the Comptroller of the Treasury, in the same manner as other obligations of the State are paid.

19. Bond of each series issued hereunder shall mature in installments commencing not later than the fifth year and ending not later than the thirty-fifth year from the date of issue of such series, and in such amounts as shall be determined by the issuing officials, but the issuing officials may reserve to the State by appropriate provision in the bonds of any series the power to redeem all or any of such bonds prior to maturity at such price or prices and upon such terms and conditions as may be provided in such bonds.

20. The issuing officials may at any time and from time to time issue refunding bonds for the purpose of refunding in whole or in part an equal principal amount of the bonds of any series issued and outstanding hereunder, which by their terms are subject to redemption prior to maturity, providing such refunding bonds shall mature at any time or times not later than the latest maturity date of such series, and the aggregate amount of interest to be paid on the refunding bonds, plus the premium, if any, to be paid on the bonds refunded, shall not exceed the aggregate amount of interest that would be paid on the bonds refunded if such bonds were not so refunded. Refunding bonds shall constitute direct obligations of the State of New Jersey, and the faith and credit of the State are pledged for the payment of the principal thereof and the interest thereon. The proceeds received from the sale of refunding bonds shall be held in trust and applied to the payment of the bonds refunded thereby. Refunding bonds shall be entitled to all the benefits of this act and subject to all its limitations except as to the maturities thereof and to the extent herein otherwise expressly provided.

21. To provide funds to meet the interest and principal payment requirements for the bonds issued under this act and outstanding, there is hereby appropriated in the order following:

a. Revenue derived by the State from fees and other charges of any nature made for the use of State parks and other State recreational facilities or so much thereof as may be required;

b. Revenue derived from the tax collected under and by virtue of the provisions of the "Corporation Business Tax Act (1945)," P. L. 1945, c. 162 (C. 54:10A–1 et seq.), or so much thereof as may be required; and

c. If in any year or at any time funds, as hereinabove appropriated, necessary to meet interest and principal payments upon outstanding bonds issued under this act, be insufficient or not available, then and in that case there shall be assessed, levied and collected annually in each of the municipalities of the counties of this State a tax on real and personal property upon which municipal taxes are or shall be assessed, levied and collected, sufficient to meet the interest on all outstanding bonds issued hereunder and on such bonds as it is proposed to issue under this act in the calendar year in which such tax is to be raised and for the payment of bonds falling due in the year following the year for which the tax is levied. The tax thus imposed shall be assessed, levied and collected in the same manner and at the same time as other taxes upon real and personal property are assessed, levied and collected. The governing body of each municipality shall cause to be paid to the county treasurer of the county in which such municipality is located, on or before December 15 in each year, the amount of tax herein directed to be assessed and levied, and the county treasurer shall pay the amount of said tax to the State Treasurer on or before December 20 in each year.

If on or before December 31 in any year the issuing officials shall determine that there are moneys in the General State Fund beyond the needs of the State, sufficient to meet the principal of bonds falling due and all interest payable in the ensuing calendar year, then and in that event such issuing officials shall by resolution so find and shall file the same in the office of the State Treasurer, whereupon the State Treasurer shall transfer such moneys to a separate fund to be designated by him, and shall pay the principal and interest out of said fund as the same shall become due and payable, and the other sources of payment of said principal and interest provided for in this section shall not then be available, and the receipts for said year from the fees, charges and taxes specified in subsections a. and b. of this section treated as part of the General State Fund, available for general purposes.

22. Should the State Treasurer by December 31 of any year deem it necessary, because of insufficiency of funds to be collected from the sources of revenues as hereinabove provided, to meet the interest and principal payments for the year after the ensuing year, then the treasurer shall certify to the Comptroller of the Treasury the amount necessary to be raised by taxation for such purposes, the same to be assessed, levied and collected for and in the ensuing calendar year. In such case the Comptroller of the Treasury shall, on or before March 1 following, calculate the amount in dollars to be assessed, levied and collected as herein set forth in each county. Such calculation shall be based upon the corrected assessed valuation of such county for the year preceding the year in which such tax is to be assessed, but such tax shall be assessed, levied and collected upon the assessed valuation of the year in which the tax is assessed and levied. The Comptroller of the Treasury shall certify said amount to the county board of taxation and the county treasurer of each county. The said county board of taxation shall include the proper amount in the current tax levy of the several taxing districts of the county in proportion to the ratables as ascertained for the current year.

23. For the purpose of complying with the provisions of the State Constitution this act shall, at the general election to be held in the month of November, 1978, be submitted to the people. In order to inform the people of the contents of this act it shall be the duty of the Secretary of State, after this section shall take effect, and at least 15 days prior to the said election, to cause this act to be published in at least ten newspapers published in the State and to notify the clerk of each county of this State of the passage of this act, and the said clerks respectively shall cause to be printed on each of the said ballots, the following:

If you approve the act entitled below, make a cross (×), plus (+), or check (√) mark in the square opposite the word "Yes."

If you disapprove the act entitled below, make a cross (×), plus (+), or check (√) mark in the square opposite the word "No."

If voting machines are used, a vote of "Yes" or "No" shall be equivalent to such marking respectively.

The fact and date of the approval or passage of this act, as the case may be, may be inserted in the appropriate place after the title in said ballot. No other requirements of law of any kind or character as to notice or procedure except as herein provided need be adhered to.

	Yes.	GREEN ACRES OPPORTUNITIES BOND ISSUE Shall the act entitled "An act authorizing the creation of a debt of the State of New Jersey by issuance of bonds of the State in the sum of $200 million to provide money for public acquisition and development of lands for recreation and conservation purposes to meet the future needs of the expanding population; to enable the State to acquire and develop lands for recreation and conservation purposes and to provide for State grants to assist municipalities and counties and other units of local government to acquire and develop lands for recreation and conservation purposes; providing the ways and means to pay the interest of said debt and also to pay and discharge the principal thereof; and providing for the submission of this act to the people at a general election" be approved? INTERPRETIVE STATEMENT This act, if approved by referendum, would authorize the State of New Jersey to issue $200 million in general obligation bonds to be used for acquiring and developing land for recreation and conservation purposes. Both the State government and local governmental units would acquire and develop such land with the State providing up to 50% of the acquisition cost incurred by local governmental units.
	No.	

The said votes so cast for and against the approval of this act, by ballot or voting machine, shall be counted and the result thereof returned by the election officer, and a canvass of such election had in the same manner as is now provided for by law in the case of the

election of a Governor, and the approval or disapproval of this act so determined shall be declared in the same manner as the result of an election for a Governor, and if there shall be a majority of all the votes cast for and against it at such an election in favor of the approval of this act, then all the provisions of this act shall take effect forthwith.

24. There is hereby appropriated the sum of $5,000.00 to the Department of State for expenses in connection with the publication of notice pursuant to section 23.

25. The commissioner shall submit to the State Treasurer and the commission with the department's annual budget request a plan for the expenditure of funds from the "State Land Acquisition and Development Fund" for the upcoming fiscal year. This plan shall include the following information: a performance evaluation of the expenditures made from the fund to date; a description of programs planned during the upcoming fiscal year; a copy of the regulations in force governing the operation of programs that are financed, in part or in whole, by funds from the "State Land Acquisition and Development Fund"; and an estimate of expenditures for the upcoming fiscal year.

26. Immediately following the submission to the Legislature of the Governor's Annual Budget Message the commissioner shall submit to the Assembly Agriculture and Environment Committee, the Senate Energy and Environment Committee, or their successors, and the special joint legislative committee created pursuant to Assembly Concurrent Resolution No. 66 of the 1968 Legislature, as reconstituted and continued by the Legislature from time to time, a copy of the plan called for under section 25 of this act, together with such changes therein as may have been required by the Governor's budget message.

27. Not less than 30 days prior to the commissioner entering into any contract, lease, obligation, or agreement to effectuate the purposes of this act, the commissioner shall report to and consult with the special joint legislative committee created pursuant to Assembly Concurrent Resolution No. 66 of the 1968 Legislature as reconstituted and continued from time to time by the Legislature.

28. This section and sections 23 and 24 of this act shall take effect immediately and the remainder of the act shall take effect as and when provided in section 23.

Approved September 21, 1978.

CHAPTER 119

AN ACT to amend the "Savings and Loan Act (1963)," approved August 30, 1963 (P. L. 1963, c. 144).

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

1. Section 167 of P. L. 1963, c. 144 (C. 17:12B–167) is amended to read as follows:

C. 17:12B-167 Appraisals.

167. Appraisals. No investment in any mortgage loan shall be made until one or more appraisals of the value of the real estate or interest therein to be loaned upon shall have been made and until the loan shall have been approved by the board or by a committee of the board designated for that purpose. Where the amount of the mortgage loan applied for is over $75,000.00 and is or will be secured by a property which includes more than six family dwelling units, such appraisal shall be made by at least two persons, who shall be qualified officers, directors or employees of the association or by an independent qualified appraiser, not an officer, director or employee of the association. Otherwise the appraisal shall be made by at least one person who shall be a qualified officer, director or employee of the association or by an independent qualified appraiser, not an officer, director or employee of the association, provided that the board may require a committee of two qualified officers, directors, or employees if it is determined by the board that such action is required for the protection of the association. The term "qualified" as used herein shall mean that the board shall establish such criteria for qualifications as are consistent with the requirements of State or Federal agencies having supervision of the affairs of the association. Where a loan is made covering property which is used primarily for business or industrial purposes, at least one appraisal shall be made by an independent qualified appraiser. The appraisal report of each appraiser shall be signed by him and shall be filed and preserved among the records of the association. Where more than one person appraises the real estate in question, a joint report or separate reports may be filed.

In the case of a mortgage loan secured by a lease of the fee of real property, the appraisal report shall also state an opinion as to the value of the leasehold interest to be subject to the mortgage.

In the case of a mortgage loan secured by an apartment which is part of a horizontal property regime, established under the "Horizontal Property Act," or by a unit which is part of a condominium established under the "Condominium Act," the appraisal report shall consider the percentage value of interests in the general common elements, limited common elements and common elements in stating an opinion as to the value of the apartment or unit interest to be subject to the mortgage.

2. This act shall take effect immediately.

Approved September 25, 1978.

CHAPTER 120

AN ACT authorizing municipalities to establish and operate clinics for the alteration of the reproductive capacity of cats and dogs in certain cases.

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

C. 4:21B-1 Establishment and operation of clinics.

1. Any municipality individually or two or more municipalities jointly may, by ordinance, provide for the establishment and operation of a clinic to provide services for the alteration of the reproductive capacity through spaying or neutering of cats and dogs owned by the residents thereof. Any such ordinance may provide for reasonable fees to be paid for such services, which fees shall not exceed the costs incurred by the municipality in establishing and operating such clinic.

C. 4:21B-2 Signed and notarized authorization by owner.

2. Any animal which is presented at such clinic for alteration shall be accompanied by a notarized authorization signed by the owner thereof consenting to such alteration and agreeing to hold the clinic, the municipality, its agents, servants and employees harmless for any damages arising therefrom or incidental thereto.

C. 4:21B-3 Regulation of clinics.

3. Any municipality or municipalities enacting an ordinance as authorized by this act shall further provide for the regulation of such clinic with respect to the terms and conditions under which

any animal will be maintained while the animal remains in the custody of the clinic.

4. This act shall take effect immediately.

Approved September 25, 1978.

CHAPTER 121

A SUPPLEMENT to "An act concerning county parks, playgrounds, and recreation places, and supplementing chapter 37 of Title 40 of the Revised Statutes," approved May 3, 1946 (P. L. 1946, c. 276).

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

C. 40:37-95.10j Additional funds; issuance of additional bonds or other obligations; limitation.

1. In any county which has adopted the provisions of the act of which this act is a supplement and in which bonds for county park purposes shall have been authorized and issued pursuant to P. L. 1966, chapter 144 and P. L. 1970, chapter 148 (C. 40:37–95.10a to 40:37–95.10h), the governing body, in addition to any other funds or moneys provided for the purposes of said act, may provide additional funds for land and improvements by the commission or for the payment of notes previously authorized or issued to provide such funds, by issuance of additional bonds or other obligations of the county pursuant to the provisions of the Local Bond Law (N. J. S. 40A:2–1 et seq.) but in no case shall the amount of such additional issue or issues of bonds or other obligations, both authorized and outstanding at any one time, exceed in the aggregate the sum of $5,000,000.00 plus the amount of any funds on hand applicable to the payment of the principal of such outstanding bonds or other obligations.

C. 40:37-95.10k Provisions inoperative until approved by voters.

2. The provisions of this act shall remain inoperative in any such county until submitted to and approved by the legal voters of the county as hereinafter provided.

C. 40:37-95.10l Public question; submission to voters.

3. Whenever the governing body of the county shall pass a resolution authorizing the submission of the question of the adop-

tion or rejection of this act to the voters of the county, the county clerk shall cause the question to be printed upon the sample and official ballots for the ensuing general election, occurring not less than 40 days after the passage of the resolution, the following:

If you favor the proposition printed below make a cross ×, plus + or check √ in the square opposite the word "Yes." If you are opposed thereto make a cross ×, plus + or check √ in the square opposite the word "No."

	Yes.	Shall the supplement to "An act concerning county parks, playgrounds, and recreation places, and supplementing chapter 37 of Title 40 of the Revised Statutes" (P. L. 1978, c. ....), providing for the issuance of additional park bonds for land and improvements not exceeding in the aggregate the sum of $5,000,000.00 be adopted?
	No.	

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 instruction to the voters and shall be voted upon by the use of such machines without marking as aforesaid.

C. 40:37-95.10m Law operative when adopted.

4. If at such election a majority of all the votes cast both for and against the adoption of such law shall be cast in favor of the adoption thereof, the same shall immediately become operative in the county voting thereon.

5. This act shall take effect immediately.

Approved September 25, 1978.

CHAPTER 122

AN ACT to amend the title of "An act to facilitate the construction and rehabilitation of housing projects in certain areas for families of moderate income by providing for mortgage loans to qualified housing sponsors to be used for such construction and rehabilitation, creating within the Department of Community Affairs a New Jersey Housing Finance Agency and prescribing the powers and duties thereof, authorizing the New Jersey Housing Finance Agency to issue bonds and other obligations and providing for the terms and security thereof and the means to pay such bonds and other obligations and the interest thereon, prescribing penalties for certain violations and making an appropriation," approved May 31, 1967 (P. L. 1967, c. 81), so that the same shall read "An act to facilitate the construction and rehabilitation of housing projects in certain areas for families of moderate income by providing for mortgage loans to qualified housing sponsors to be used for such construction and rehabilitation, providing for exemption of certain housing projects from real property taxation, creating within the Department of Community Affairs a New Jersey Housing Finance Agency and prescribing the powers and duties thereof, authorizing the New Jersey Housing Finance Agency to issue bonds and other obligations and providing for the terms and security thereof and the means to pay such bonds and other obligations and the interest thereon, prescribing penalties for certain violations and making an appropriation," and to amend and supplement the body of said act.

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

Title amended.

1. The title of P. L. 1967, c. 81 is amended to read as follows:

An act to facilitate the construction and rehabilitation of housing projects in certain areas for families of moderate income by providing for mortgage loans to qualified housing sponsors to be used for such construction and rehabilitation, providing for exemption

of certain housing projects from real property taxation, creating within the Department of Community Affairs a New Jersey Housing Finance Agency and prescribing the powers and duties thereof, authorizing the New Jersey Housing Finance Agency to issue bonds and other obligations and providing for the terms and security thereof and the means to pay such bonds and other obligations and the interest thereon, prescribing penalties for certain violations and making an appropriation.

C. 55:14J-2.1 Legislature's findings and declarations.

2. (New section) The Legislature hereby finds and declares that blighted areas exist throughout the State; that one effective method of alleviating blight is to increase the supply of adequate, safe and sanitary housing available to persons of low and moderate income throughout the State; that the provision of an increased supply of adequate housing reduces the need for occupancy of substandard housing in blighted areas and thus facilitates the clearance or redevelopment of such areas; that the effect of the construction of new housing is not confined to the municipality in which such housing is located, and can and frequently does assist in the alleviation or elimination of blight in other municipalities within commuting distance of such new housing; that the New Jersey Housing Finance Agency was created for the purpose of increasing the supply of safe and sanitary housing affordable by low and moderate income families and has financed approximately 21,642 housing units already occupied or under construction; that all of the projects containing such units have required some form of tax abatement in order to make the projects financially feasible at rents affordable by families of low and moderate income; and that it is expected that tax abatement will similarly be required for future projects to be financed by the New Jersey Housing Finance Agency.

The Legislature hereby finds and determines that each housing project for low and moderate income families financed by the agency facilitates the clearance or redevelopment of blighted areas within the State and assists in the prevention of blight and accordingly should be eligible for a grant of tax exemption or abatement by the municipality in which it is located irrespective of whether the project is located in a blighted area or whether there is any blighted area within the municipality in which the project is located.

The Legislature further finds and declares that to finance its projects, the Agency has issued in excess of one-half billion dollars of its bonds to the investing public in part on the basis of the

existence of tax abatement for such projects; that a recent court decision invalidated a resolution of the governing body of a municipality granting tax exemption pursuant to section 18 of P. L. 1949, c. 184 (C. 55:16–18) for failure to comply with certain procedural steps, particularly the holding of a public hearing on whether conditions of blight exist in the municipality; and that many of the housing projects presently financed by the agency have received grants of tax exemption pursuant to municipal resolutions adopted without the procedural steps which a court has recently held to be required.

The Legislature further finds and declares that although the above mentioned case does not directly address the validity of tax exemption or abatement agreements for existing projects and although the tax exemption or abatement for such projects may be able to withstand any legal challenge, it is desirable and appropriate for the State to maintain the investing public's confidence in the agency's ability to repay its outstanding bonds in timely fashion and to maintain the agency's ability to market its bonds in the future and that to the extent that the agency should be unable, by reason of the unexpected nonexistence of tax exemptions or abatements, to pay principal and interest on its bonds now outstanding, the State would be faced with a claim for the deficiency pursuant to provisions of section 21 of P. L. 1967, c. 81 (C. 55:14J–21).

The Legislature hereby finds and determines that municipal resolutions adopted prior to the effective date of this act granting or authorizing tax exemption or abatement in respect of housing projects for low and moderate income families financed or to be financed by the agency should be validated and confirmed.

3. Section 30 of P. L. 1967, c. 81 (C. 55:14J–30) is amended to read as follows:

C. 55:14J-30 Legislature's intent; tax exemption; in-lieu payments; equalization table; apportionment.

30. (a) It is the intent of the Legislature that in the event of any conflict or inconsistency in the provisions of this act and any other acts concerning qualified housing sponsors or any rules and regulations adopted thereunder, to the extent of such conflict or inconsistency, the provisions of this act shall be enforced and the provisions of such other acts and rules and regulations adopted thereunder shall be of no force and effect.

(b) The governing body of any municipality in which a housing project, for families of low and moderate income, financed or to be financed by the agency is or is to be located may by resolution pro-

vide that such project shall be exempt from real property taxation; provided, that the qualified housing sponsor shall enter into an agreement with the municipality for payments to the municipality in lieu of taxes for municipal services. Any such agreement may require such qualified housing sponsor to pay to such municipality an amount up to 20% of the annual gross revenue from each housing project situated on such real property for each year of operation thereof following the substantial completion thereof. For the purpose of this section, "annual gross revenue" means the total annual gross rental or carrying charge and other income of a qualified housing sponsor from a housing project. If any such agreement is entered into from the date of recording the mortgage on the project to the date of substantial completion of the project the annual amount payable to the municipality as taxes or as payments in lieu of taxes in respect of the project site shall not be in excess of the amount of taxes on the project site for the year preceding the recording of the mortgage. Any agreement between any qualified housing sponsor and a municipality pursuant to this subsection shall be submitted to the agency for review in order to avoid duplicating, overlapping or inconsistent regulations or provisions. Any exemption from taxation pursuant to the provisions of this section shall not extend beyond the date on which the mortgage loan owing to the Agency on the project is paid in full.

For the purpose of apportioning the amounts to be raised in the respective municipalities in each county pursuant to R. S. 54:4–49, the county board of taxation shall, for each municipality include in the equalization table for the county the assumed assessed value of the property represented by the amount of payments in lieu of property taxes to any municipality pursuant to this act.

The assumed assessed value of such property in each municipality shall be determined by the county board of taxation in the following manner: (a) the amount of payments in lieu of real property taxes received by each municipality during the preceding tax year pursuant to this section shall be divided by the general tax rate of the municipality for such preceding tax year to obtain an assumed assessed value of such property; (b) this assumed assessed value shall be divided by the fraction produced by dividing the aggregate assessed value by the aggregate true value of the real property as determined by the county board of taxation for equalization purposes in the current tax year, exclusive of class II railroad property, in the municipality; and (c) the resulting

quotient shall be included in the net valuation of each municipality on which county taxes are apportioned.

For the first tax year during which any payments in lieu of real property taxes are made to any municipality pursuant to this section, there shall be included in the equalization table for the county the true value of the property as determined by the assessor in the tax year immediately prior to the tax year in which any payments in lieu of taxes are made pursuant to this section.

As used in this section only, "municipality" means and includes any city of any class, any town, township, village, borough, or any municipal subdivision of the State; and "governing body" means, in the case of a municipality, the common council, or the board of commissioners, or the body managing its affairs, except that, in the case of cities of the second class, having a population of not less than 133,000 nor more than 200,000 inhabitants, "governing body" means the board of finance of such city.

Validating section.

4. (New section) Any resolution adopted by the governing body of any municipality prior to the effective date of this act granting or authorizing tax exemption or abatement in respect of a housing project for low or moderate income families financed or to be financed by the New Jersey Housing Finance Agency is hereby ratified, validated and confirmed notwithstanding that said municipality failed to conduct an investigation or hold a public hearing with respect to a condition of blight within said municipality.

5. This act shall take effect immediately.

Approved September 26, 1978.

CHAPTER 123

AN ACT to provide a special charter for the city of Englewood in the county of Bergen.

WHEREAS, A charter commission was duly elected by the legal voters of the city of Englewood at the general election in November, 1977, pursuant to the Optional Municipal Charter Law; and

WHEREAS, The Englewood Charter Commission made its report on August 8, 1978, recommending a special charter for the city, and,

in that event, the enabling statute provides that "it shall be the duty of the governing body of the municipality to forthwith petition the Legislature for a special law or laws, pursuant to the Constitution of 1947 and in the manner provided by general enabling legislation thereunder, to carry out the recommendations of the Charter Commission" (P. L. 1950, c. 210, s. 1–16; C. 40:69A–16); and

WHEREAS, The council of the city of Englewood has duly petitioned the Legislature for the passage of a special law to provide such a new charter for the city, pursuant to Article IV, Section VII, paragraph 10 of the Constitution of 1947, in accordance with the procedure prescribed by P. L. 1948, c. 199 (R. S. 1:6–10 et seq.); and

WHEREAS, Notice of intention to apply for the passage of such special law has been duly published, and the original of the petition, together with a duly certified copy of the resolution authorizing the filing of the same, have been duly presented and filed, now therefore,

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

Private act.

Private act.

Section 1. Charter.

THE ENGLEWOOD CHARTER (1978)

ARTICLE I

Short Title

Section 1.1 This act shall be known and may be cited as the "Englewood Charter (1978)."

ARTICLE II

Incorporation; nature of charter; definitions and construction

Section 2.1 Incorporation. The inhabitants of the city of Englewood in the county of Bergen, within the boundaries heretofore established by law or as may be hereafter amended, shall be and remain a municipal body corporate and politic with perpetual succession.

Section 2.2 Definitions. For the purposes of this act, and for the interpretation of any law, ordinance or resolution applicable to the city, unless the context otherwise requires:

(a) "Charter" shall mean the Englewood Charter (1978).

(b) "Administrative code" shall mean an ordinance relating to the organization or administration of the city government, the exercise or discharge of its functions, powers and duties, or the management or control of its property, affairs or government.

(c) "City" shall mean the city of Englewood within the boundaries now existing or which may be hereafter established pursuant to law.

(d) "Council" shall mean the city council as provided in the charter.

(e) "Department" shall mean an administrative unit of the city government established or designated by ordinance as a department.

(f) "Full Membership of the Council" means the number of members of the council when all positions are filled.

(g) "General law" shall mean all statutory provisions of the State of New Jersey which are now or may hereafter be applicable specifically to the city of Englewood, or to all cities of the second class, or to all cities alike, or to all municipalities, provided the same are not inconsistent with the charter or, if inconsistent, specifically supersede all charter provisions to the contrary.

(h) "Manager" shall mean the city manager as provided in the charter.

(i) "Mayor" shall mean the mayor of the city as provided in the charter.

(j) "Ordinance" shall mean any act of local legislation heretofore or hereafter adopted pursuant to law.

(k) "Person" shall mean any corporation, firm, partnership, association, organization or other entity, as well as an individual.

(l) "Year" shall mean a calendar year unless otherwise specifically provided.

Section 2.3 Charter. The city shall be governed by the provisions of the charter and by general law.

Section 2.4 Construction. For the purposes of the Charter and except as the context may otherwise require:

(a) The present tense includes the past and future tenses and the future tense includes the present.

(b) The masculine gender includes the feminine and neuter.

(c) The singular number includes the plural and the plural includes the singular.

(d) The time within which an act is to be done shall be computed by excluding the first and including the last day, and if the last day be a Sunday or a legal holiday, that day shall be excluded.

(e) "Writing" and "written" shall include printing, typewriting and any other mode of communication using paper or similar material which is in general use, as well as legible handwriting.

Article III

Powers

Section 3.1 Corporate powers. Subject to the provisions of the charter and in addition to such powers as may otherwise be vested in the city pursuant to general law, the city may:

(a) Organize and regulate its internal affairs, and establish, alter and abolish offices, positions and employments and define the functions, powers and duties thereof and fix their term, tenure and compensation;

(b) Adopt and enforce ordinances and impose penalties for violation thereof, by fine or imprisonment or both as such sanctions are authorized by general law;

(c) Construct, acquire, operate or maintain any and all public improvements, projects or enterprises for any public purpose;

(d) Sue and be sued, have a corporate seal, contract and be contracted with, buy, sell, lease, hold and dispose of real and personal property, appropriate and expend moneys and adopt, amend and repeal such ordinances and resolutions as may be required for the management of the city and the good government thereof consistent with general law and this charter;

(e) Exercise powers of condemnation, borrowing and taxation in the manner provided by general law;

(f) Exercise all powers of local government in such manner as its governing body may determine consistent with general law and this charter.

Section 3.2 Exercise by officers, etc. Powers vested in the city may be exercised by such city officers, boards and commissions as may be provided by ordinance, subject to the provisions of the charter and general law.

Section 3.3 Self-government generally. The general grants of municipal power contained in this article are intended to confer the greatest powers of local self-government consistent with the Constitution and general law of this State. Any specific enumeration of municipal powers contained in the charter shall not be

construed in any way to limit the general description of powers contained in the charter, and any such specifically enumerated municipal powers shall be construed as in addition and supplementary to the powers conferred in general terms by the charter and by general law. All grants of power to the city, whether in the form of specific enumeration or general terms, shall be liberally construed in favor of the city.

Article IV

The Council

Section 4.1 Council as governing body; powers. The city council shall be the governing body of the city. All powers of the municipality and the determination of all matters of policy shall be vested in the council, except as otherwise provided by the charter or by general law.

Section 4.2 Members of council. The council shall consist of five council members, with one elected from the city-at-large and one elected from each of four wards.

Section 4.3 Council members; election; term. Council members shall be elected at the general election to be held in November, or at such other time as may be provided by general law for the holding of general election, each for a term of 3 years to begin on January 1 next following election.

Section 4.4 Council members; qualification. Each council member shall be a legal voter and resident of the city, and in the case of a council member elected from a ward, shall have been a resident of the ward from which elected for at least 1 year prior to the general election; and in the case of a council member elected at-large, shall have been a resident of the city for at least 1 year prior to the general election.

Section 4.5 Council members; vacancies. A vacancy in the office of council member occurring otherwise than by expiration of term, shall be filled as provided by general law.

Section 4.6 Council; organization and procedure; meetings.

(a) The council shall adopt rules for its own organization and rules of procedure not inconsistent with the charter.

(b) The council shall meet and organize, annually, during the first week in January and such organization meeting may be held on a legal holiday or a Sunday.

(c) At its organization meeting the council shall elect either a member of the council or the mayor as president of the council, and

shall also elect a member of the council or the mayor as president pro tempore.

(d) A majority of the full membership of the council shall constitute a quorum. A resolution or ordinance, except as otherwise provided by the charter or by general law, shall be passed by the affirmative vote of not less than a majority of those present and voting, provided that the affirmative votes shall include the votes of at least three council members or the votes of two council members and the mayor. An abstention shall not be considered a vote.

(e) The mayor shall have the right to vote in the event of a tie vote or in the event that the mayor's vote is necessary to provide three affirmative votes for the passage of a resolution or ordinance.

(f) The council shall, by resolution, designate the time and place of holding regular meetings, which shall be at least monthly, provided that such time and place may be changed from time to time by resolution.

(g) The vote upon every motion, resolution or ordinance shall be taken by roll call and the yeas and nays shall be entered in the minutes.

(h) The minutes of each meeting shall be kept by the city clerk and shall be signed by the officer presiding at the meeting and by the city clerk.

(i) The mayor or the council president may, and upon written request of a majority of the full membership of the council shall, call a special meeting of the council. The call for the special meeting shall designate the time, place and purpose of the special meeting and no other business shall be considered except with the unanimous consent of all council members present; provided that the council may, by ordinance, adopt regulatory provisions not inconsistent with the charter, governing the calling and conducting of special meetings.

(j) Ordinances may be adopted only by the council, must be introduced in written form by a member of the council, shall be adopted by vote of the council and shall be subject to the notice, publication, and hearing requirements of general law. Any ordinance may incorporate by reference any standard technical regulations or code, official or unofficial, which need not be so published if the ordinance states that three copies of such regulations or code have been placed on file in the office of the city clerk, and in the office of the body or department charged with the enforcement of said ordinance and will remain on file in such offices for use and

examination by the public until final adoption of the ordinance and so long as the ordinance shall remain in effect.

Section 4.7 Council president, duties; president pro tempore.

(a) The council president shall preside at meetings of the council.

(b) The council president may appoint committees of the council to assist in the conduct of the council's business.

(c) The council president shall have such other powers and duties as may be prescribed by the charter, or by ordinance not inconsistent with the provisions of the charter.

(d) The president pro tempore shall perform the duties of the council president during the temporary absence or disability of the council president, and shall succeed to the position of the council president in the event that the said position shall become vacant.

Section 4.8 Approval or veto of ordinances by mayor.

(a) An ordinance adopted by the council shall be submitted to the mayor, and the mayor shall, within 10 days after receiving any ordinance, either approve the ordinance by signing the same, or return it to the council by delivering it to the city clerk together with a statement setting forth the mayor's objections thereto. No ordinance shall take effect without the mayor's approval, unless the mayor fails to return an ordinance to the council within 10 days after it has been presented to the mayor, in which event the ordinance shall become effective following the expiration of said 10-day period; or unless the council, upon reconsideration thereof, on or after the third day following its return by the mayor, shall by a vote of two-thirds of the full membership of the council, resolve to override the mayor's veto.

(b) In the event that the council president or the council president pro tempore shall be serving as mayor, such person shall have the power to veto an ordinance to the same extent and with the same effect as any person elected to the position of mayor.

Section 4.9 Investigation; removals.

(a) The council may make investigations into the affairs of the city and the conduct of any city department, office, commission or agency and for this purpose may subpena witnesses, administer oaths, take testimony and require the production of evidence. In addition to any other remedy, any person who willfully fails or refuses to obey a lawful order issued in the exercise of these powers by the council shall be adjudged a disorderly person, punishable by a fine of not more than $200.00 or by imprisonment for not more than 30 days, or both.

(b) Except as herein otherwise provided with respect to the city manager, the council may remove any officer or employee, other than the mayor or a council member, for cause, upon notice and an opportunity to be heard, subject to standard personnel policies and regulations adopted by ordinance. Nothing herein shall be construed as limiting the right of the council to eliminate any job or position.

ARTICLE V

The Mayor

Section 5.1 Election of mayor. The mayor shall be elected at the general election to be held in November, or at such other time as may be provided by law for the holding of general elections for a term of 3 years beginning on January 1 next following election.

Section 5.2 Powers and duties of mayor. The mayor shall have the right to attend and speak at council meetings, may serve as council president or president pro tempore if elected to that position by the council, but shall not be a member of the council. The mayor shall have the right to vote only in those instances listed in section 4.4(e) of the charter.

Section 5.3 Temporary absence or disability of mayor. During any temporary absence or disability of the mayor, the council president shall serve as acting mayor, or if the council president shall also be temporarily absent then the council president pro tempore shall serve as acting mayor.

Section 5.4 Vacancy in the office of mayor. If a vacancy occurs in the office of mayor for any reason other than expiration of term of office, the vacancy shall be filled in the following manner:

(a) If the vacancy occurs on or after September 1 in the next to the last year of the term of the mayor, the council president shall succeed to the office of mayor and shall hold such office until expiration of the term of the person last elected thereto, or if the mayor shall also have been the council president, then the council president pro tempore shall so succeed to the office of mayor for such time.

(b) If the vacancy occurs prior to September 1 in the next to the last year of the term of the mayor, the vacancy shall be filled for the unexpired term at the next ensuing general election and the vacancy shall be filled, temporarily, until such election and qualification of a successor mayor, by the council president or, if the mayor shall also have been council president, by the council president pro tempore.

(c) Any person elected to serve the unexpired term of a mayor, shall take office immediately after such election and upon qualifying therefor.

Section 5.5 Powers of council president or president pro tempore while serving as mayor.

(a) If the council president or the council president pro tempore shall be serving as mayor or acting mayor, such person shall not, by reason thereof, be required to vacate his or her council position, but may remain a member of the council while so serving as mayor; provided that, in such event, such person may vote on council matters as a council member, but shall have no additional vote on such matters by reason of serving as mayor.

(b) If the council president or the council president pro tempore shall be serving as mayor or acting mayor, such person shall have the power to make appointments to the same extent and with the same effect, as any person elected to the position of mayor, and such person may also vote, as a member of the council, respecting any required council confirmation of such appointment.

Section 5.6 Report to the council. The mayor shall make an annual address to the council on the condition of the city and recommend policies relating thereto.

Section 5.7 Mayor; state of emergency. Whenever the mayor shall determine that conditions exist within the city which present a clear and present danger to the safety of the people of the city, the mayor (with the approval of the council, if there be time to assemble the council) may declare a city emergency. Upon such declaration the mayor may assume the personal direction of any department, agency or instrumentality of the city government as may, in the mayor's discretion, be necessary to alleviate the emergency; and the mayor may take such action as may be deemed necessary or desirable to that end for the duration of the emergency; provided that if such declaration be made without the approval of the council, the mayor shall call a special meeting of the council as soon as practicable, and such declaration shall continue in effect thereafter only if approved by the council.

Section 5.8 Mayor; ad hoc committees. The mayor shall have the power to appoint such ad hoc advisory committees as the mayor may deem appropriate or beneficial.

ARTICLE VI

The Manager

Section 6.1 Appointment and qualification of manager. The council shall appoint a city manager, who shall be chosen solely on the basis of executive and administrative qualifications with special reference to actual experience in, or knowledge of, accepted practice in respect to the duties of the office of manager as hereinafter set forth. At the time of appointment, the manager need not be a resident of the city of Englewood or the State of New Jersey, but while in office he may reside outside the city only with the approval of the council.

Section 6.2 Manager's term; removal. The manager shall hold office for an indefinite term and may be removed by a majority vote of the full membership of the council. At least 30 days before such removal shall become effective, the council shall, by a majority vote of the full membership of the council, adopt a preliminary resolution stating the reasons for removal. The manager may reply in writing and may request a public hearing, which shall be held not earlier than 20 days or later than 30 days after the filing of such request. After such public hearing, if one be requested, and after full consideration, the council by majority vote of the full membership of the council, may adopt a final resolution of removal. By the preliminary resolution or by resolution thereafter adopted, the council may suspend the manager from duty, or may suspend the manager's power to exercise any portion of the manager's powers but in such case the manager shall continue to receive his salary and, in the event of adoption of a final resolution of removal, the manager shall be entitled to receive salary for the next three calendar months following adoption of such final resolution of removal.

Section 6.3 Manager's powers and duties. The manager shall:

(a) Exercise all of the executive and administrative functions of the city government except as otherwise provided in the charter or by general law;

(b) Execute all laws and ordinances of the city;

(c) Appoint and remove all department heads and a deputy manager (if such position be authorized by the council), provided that no such appointment or removal of a department head or deputy manager shall be effective unless confirmed by the council;

(d) Subject to and in accordance with the provisions of standard personnel policies and regulations adopted by the council by ordinance, appoint and remove all other officers, subordinates, assist-

ants and employees for whom no other method of appointment or removal is provided by the charter or by general law;

(e) Report all appointments and removals to the council at its first meeting following such appointment or removal;

(f) Supervise and direct the activities of department heads and deputy manager if there be one, and the activities of all officers, subordinates, assistants, and employees whom the manager is empowered to appoint;

(g) Negotiate contracts for the city subject to the approval of the council, make recommendations concerning the nature and location of municipal improvements, and execute municipal improvements as determined by the council;

(h) Assure that all terms and conditions imposed in favor of the city or its inhabitants in any statute, public utility, franchise, or other contract are faithfully kept and performed, and upon learning of any violation, call the same to the attention of the council;

(i) Attend all meetings of the council with the right to take part in discussions, but without the right to vote;

(j) Recommend to the council for adoption such measures as the manager may deem necessary or expedient, keep the council advised of the financial condition of the city, make reports to the council as requested by it, and at least once a year make an annual report of the manager's activities, for the benefit of the council and the public;

(k) Perform such other duties, not inconsistent with the charter or general law, as may be required of the manager by ordinance or resolution of the council.

The manager shall be responsible to the council for carrying out all policies established by it and for the proper administration of all affairs of the city within the jurisdiction of the council.

Article VII

Appointments

Section 7.1 Appointments. Except as otherwise provided in the charter:

(a) The council shall appoint a city solicitor who shall be the chief legal officer of the city, such assistant city solicitors and public defenders as may be authorized by ordinance, a city auditor, a municipal court judge, and a city physician.

(b) The mayor shall appoint the members of the board of education.

(c) Appointments which, by general law, are required to be made by the mayor or the chief executive, shall be made by the mayor.

(d) Appointments which, by general law, are required to be made by the governing body, shall be made by the council.

(e) Appointments to boards, agencies, commissions or committees established by the council shall be made as provided in the ordinance or resolution establishing such entity, or if no provision for appointment shall be made in such ordinance or resolution, then such appointments shall be made by the mayor with the consent of the council.

(f) Appointments to any committee established by the mayor shall be made by the mayor.

(g) All other appointments to boards, agencies, commissions, or committees shall be made by the mayor with the consent of the council.

Article VIII

Organization and Administration

Section 8.1 Council relationship with manager.

(a) It is the intent of the charter to provide for a separation of the legislative and administrative functions of the city government, except as specifically otherwise provided by the charter or by general law.

(b) Except as otherwise provided in the charter or by general law, the direction and supervision of city employees shall be solely by and through the manager. The council or any member thereof shall intervene in administrative matters only for purposes of an inquiry or investigation authorized pursuant to law.

(c) The council and the members thereof shall direct the administrative service only through the manager and shall not, either publicly or privately, issue orders or directives to any subordinate of the manager.

(d) The council shall direct, and communicate policy to, the manager either by formal written action of the council as a whole, or through the council president, who may delegate such responsibility to some other council member, provided that at all times there shall be clear and non-conflicting lines of authority between the council and the manager. This provision shall not be deemed to prohibit or restrict communication between any council member and the manager.

(e) Nothing herein contained shall prevent the council from appointing committees or commissions of its own members, or of citizens, to conduct investigations into the conduct of any officer or department, or any matter relating to the welfare of the city, and delegating to such committees or commissions such powers of inquiry as the council may deem necessary.

(f) Notwithstanding the foregoing, nothing contained in the charter shall be deemed to prohibit the council or any member thereof from dealing directly with or directing the activities of the city solicitor or any assistant city solicitor, the city auditor, and the holder of any position created for the purpose of working directly with and assisting the council in carrying out its functions and duties.

Section 8.2 Administrative code; departments.

(a) The council shall adopt and may from time to time amend, supplement and revise an administrative code to provide for departments, and otherwise to govern the organization and administration of the city government, subject to the provisions of the charter and general law.

(b) The administrative code shall allocate and assign all of the administrative functions, powers and duties of the city government among the departments created by the code. The head of each department shall be a single executive, and one person may be appointed to head two or more departments.

(c) The manager may be appointed as department head of one or more of the aforesaid departments.

(d) The administrative code may make provisions for the appointment or designation of an acting department head for any or all of such departments, with such appointments or designations to be made in the same manner as department heads are appointed.

(e) The administrative code may authorize the manager to delegate to the head of any or all of such departments, the power to appoint and/or remove subordinates within such department.

(f) The council, with respect to employees hired after the effective date of this charter, may prescribe as a condition to employment and/or continued employment, residency within a prescribed geographic area relating to the city of Englewood.

Section 8.3 Deputy manager; acting manager.

(a) The administrative code may provide for the position of deputy manager, and set out the duties and functions of such position.

(b) The administrative code may make provisions for the appointment or designation of an acting city manager, to serve in the absence or disability of the manager, with such appointment or designation to be made in the manner and by the authority prescribed in the code. The power and authority of an acting manager may be limited as prescribed in the code, and need not be coextensive with the power and authority of the manager.

Section 8.4 Budget; preparation and submission.

(a) The city budget shall be prepared by the manager. During the month of November in each year the manager shall require all department heads to submit requests for appropriations for the ensuing budget year, and, if the manager deems it necessary or advisable, to appear before the manager at public hearings thereon.

(b) On or before January 15 in each year the manager shall submit to the council a recommended budget together with such explanatory comment or statement as the manager may deem desirable. The budget shall be in such form as is required by law and, in addition, shall have appended thereto detailed analysis of the various items of expenditure and revenue together with such additional information as the council may direct.

Section 8.5 Financial control. The council shall provide by ordinance for the exercise of a control function in the management of the finances of the city. The control function shall include provisions for an encumbrance system of budget operation, for expenditures only upon written requisition, for the pre-audit of all claims and demands against the city prior to payment, and for the control of all payments out of public funds. The city official charged with responsibility for the operation of such system shall, if so directed by the council, report directly to the council, as well as to the manager, on the financial administration and condition of the city.

Section 8.6 Execution of documents.

The administrative code may designate the officer or officers who shall be authorized to execute contracts, deeds, bonds, notes and other documents and papers on behalf of the city, subject to the charter and general law, and subject to such limitations and requirements as may be set out in the code.

ARTICLE IX

City Clerk

Section 9.1 City clerk elected.

(a) The city clerk shall be elected at the general election to be held in November, or at such other time as may be provided by general law for the holding of general elections, for a term of 3 years beginning on January 1 next following election.

(b) Nothing contained in the charter shall be deemed to override or conflict with any general law pertaining to the city clerk's tenure in office.

Section 9.2 Duties of city clerk.

(a) The city clerk shall perform the duties of a municipal clerk as prescribed by general law and shall serve as clerk of the council.

(b) Specifically, but not by way of limitation of the foregoing, the city clerk shall:

(i) Keep a journal of council proceedings and record the minutes of every meeting;

(ii) Have custody of the city seal and affix it to such official city papers and documents as are required by law to be sealed with the seal of the city;

(iii) Record and safely keep all ordinances and resolutions adopted by the council, and once each year compile, index and bind all ordinances and resolutions which then remain in force and effect.

(c) The city clerk shall also perform such additional duties and functions, not inconsistent with the charter, as the council may from time to time prescribe.

(d) The activities of the city clerk shall be under the control and supervision of the manager, who may prescribe additional duties and functions to be performed by the city clerk, provided that such control, supervision and the prescribing of such additional duties and functions shall be subject to such limitations and policies as may be established by the council.

ARTICLE X

Wards

Section 10.1 Initial ward boundaries.

Until the reapportionment hereinafter described shall take place following the 1980 Federal census, the ward boundaries within the city, as they existed on January 1, 1978, shall remain in effect.

Section 10.2 Adjustments in ward boundaries following census.

(a) Within 3 months following publication of the necessary data from each Federal decennial census, ward commissioners, as hereinafter defined, shall meet and make adjustments in ward boundary lines, so that each ward shall be formed of compact and contiguous territory, as nearly equal in number of inhabitants as practicable, according to the most recent census data.

(b) The members of the Bergen county board of elections, together with the city clerk, shall constitute the ward commissioners.

(c) Within 30 days after such meeting, the ward commissioners shall make and file their report and certificate over at least three of their signatures, setting forth and properly describing the ward boundaries fixed and determined, to which there shall be annexed a map of the municipality with the ward boundaries clearly marked thereon. The report so certified shall be filed in the office of the clerk of Bergen county, and a copy thereof shall also be filed with the Secretary of State and in the office of the city clerk.

(d) A notice of the ward boundaries as fixed and determined by the ward commissioners shall be published by the city clerk at least once in at least one newspaper circulating in the municipality within 2 weeks immediately next succeeding the filing of the aforesaid report and certificate.

(e) Upon completion of such publication, the former wards, if any, shall be superseded, and thereafter all council members representing the wards of the city shall be elected from the wards so fixed by the ward commissioners.

(f) Council members from wards who are in office at the time that ward lines are changed as hereinabove provided shall continue in office until their respective terms of office shall expire.

(g) In the performance of their duty to fix and determine ward boundaries, the ward commissioners shall be entitled to the aid and assistance of a surveyor or engineer and, when they deem necessary, may employ a competent surveyor or engineer and such other assistants to aid them in the discharge of their duties.

(h) Each ward commissioner shall be entitled to be reimbursed for necessary expenses incurred in the performance of duties, and to such compensation, not to exceed $500.00, as shall be determined by the council. Upon certification of the ward commissioners, the council shall provide for payment of the expenses of the ward commissioners, for payment of compensation as determined by the

council, and for payment of expenses for the services of the surveyor, engineer or such other assistants as shall have been incurred by the ward commissioners.

ARTICLE XI

General and Miscellaneous Provisions

Section 11.1 Vacancy in elected office; non-residency. If an elected official elected from the city at-large shall cease to be a resident of the city, or if an elected official from a ward shall cease to be a resident of the ward from which elected, such person's position shall immediately be deemed vacant.

Section 11.2 Fraud of officers or employees. Any council member or other officer or employee of the city who shall willfully violate or evade any provision of law relating to such person's office or employment, or commit any fraud upon the city, or convert any of the public property to such person's own use, or knowingly permit any other person so to convert it, or by gross or culpable neglect of duty allow the same to be lost to the city, upon conviction thereof and in addition to other penalties imposed by law, shall forfeit his or her office or employment, and be excluded forever thereafter from receiving or holding any office or employment under the city government.

Section 11.3 Duty to testify. If the mayor, any council member or other officer or employee of the city shall, after lawful notice or process, expressly referring to this section, willfully refuse or fail to appear before any legislative committee of the council, or any city officer, board or body authorized to conduct any hearing or inquiry, or having appeared shall refuse to testify or to answer any question relevant to the hearing or inquiry regarding the property, government or affairs of the city or regarding the nomination, election, appointment, or official conduct of any officer or employee of the city, such person's term or tenure of office or employment shall terminate and such office or employment shall be vacant, and such person shall not be eligible thereafter to election or appointment to any office or employment under the city government or any agency thereof.

Section 11.4 Conflicts of interest.

(a) Except as hereinafter provided, no city official, officer, or employee shall take any action, official or unofficial with respect to any contract in which such person or member of the family of such person has any financial interest.

(b) The term "member of family" shall be deemed to include any person with whom a city official, officer, or employee has any of the following relationships by blood, adoption, or marriage: spouse, parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece, or first cousin.

(c) The term "take action" shall include any official act by way of voting, issuing orders, directives, or approvals, and shall also include any unofficial attempt to influence or affect the action of any other city official.

(d) If any city official, officer or employee is aware or becomes aware of the existence of, or intention to enter into, any such contract in which such person or a member of such person's family has a financial interest and if he or she is or may be called upon to act with respect thereto, he or she shall formally disclose such interest to the council in writing, and shall refrain from taking any such action.

(e) The term "financial interest" shall not be deemed to include ownership of less than one percent of the stock in a corporation whose stock is available for purchase by the general public; or any retail customer relationship constituting less than one percent of the annual receipts of such retailer, or any bank depositor relationship constituting less than one percent of the deposits of such bank.

Section 11.5 Employee relationship.

(a) Any city official, officer, or employee engaged, directly or indirectly, in the hiring, appointment, or fixing the terms of employment of persons to positions within the employ of the city, shall disclose to the council, in writing, any family relationship between such person and any prospective employee or appointee.

(b) The manager shall insure that standard policies respecting the employment or prospective employment of individuals by the city includes a disclosure by any such employee or prospective employee of any family relationship between such person and any official, officer, or employee of the city.

(c) The term family relationship, as used herein, shall have the meaning set out in section 11.4 (b).

Section 11.6 Implementing ordinances. The council may adopt ordinances designed to implement the policies of sections 11.4 and 11.5, which may include more extensive prohibitions and disclosure requirements than are set out therein.

Section 11.7 Initiative, referendum and recall; inapplicability.

No provision of general law providing for initiative, referendum or recall shall be applicable to the city.

ARTICLE XII

Transitional Provisions

Section 12.1 Effect of charter. The charter shall take effect on January 1 following the date of the general election at which the first elected officials under this charter are elected.

Section 12.2 Other laws and ordinances.

(a) All laws and parts of laws relating to or affecting the city of Englewood and all ordinances and regulations of the city are hereby repealed and superseded to the extent that the same are inconsistent with the provisions of this charter, and only to that extent and with respect to such application.

(b) All ordinances and regulations of the city, to the extent that they are not inconsistent with the charter, shall remain in full force and effect until repealed or amended pursuant to law.

Section 12.3 Election of officials.

(a) The first elected officials to be elected under this charter shall be elected at the first general election following approval of the charter by the voters of the city.

(b) Elections of the mayor, members of the council, and city clerk shall be staggered so that in one year council members shall be elected from two wards, in another year council members shall be elected from the remaining two wards, and in another year (when no regular election of ward council members shall be scheduled) the mayor, the council member at-large, and the city clerk shall be elected.

(c) In order to accomplish the intent of subsection (b) hereof, the city council shall provide for staggered terms of the first elected officials to serve under this charter, so that some shall serve for 1 year following the effective date of the charter, some for 2 years, and some for 3 years, and following such transition period, all shall be elected, as hereinabove prescribed, for 3-year terms.

Section 12.4 Appointive officers and employees.

(a) At 12 o'clock noon on January 1 following the general election at which the first elected officials to be elected under this charter have been elected, all offices then existing in the municipality shall be abolished and the terms of all elected and appointed officers shall immediately cease and determine; provided, that nothing in this section shall be construed to abolish the office or terminate the term of office of any member of any statutory board, body or agency, of the municipal judge, or of any statutory board,

body or agency, of the municipal judge, or of any official or employee then protected by any tenure of office law or ordinance or of any policeman, fireman, teacher, principal or school superintendent whether or not protected by a tenure of office law or ordinance.

(b) Provision for officers and for the organization and administration of the city government under the charter may be made by resolution pending the adoption of ordinances, but any such resolution shall expire not later than 90 days after the effective date of the charter.

(c) No subordinate board, department, body, office, position or employment shall be created and no appointments shall be made to any subordinate board, department or body, or to any office, employment or position, including without limitation patrolmen and firemen, between the date of the first election of officers and the date the newly elected officers take office under the charter.

(d) All actions and proceedings of a legislative, executive or judicial character which are pending upon the effective date of the charter may continue, and the appropriate officer or employee under the charter shall be substituted for the officer or employee theretofore exercising or discharging the function, power or duty involved in such action or proceeding.

Section 2 Referendum. The charter (section 1 of this act) shall be submitted to referendum, and shall take effect upon a favorable vote thereon, as herein provided. The question of adoption of the charter shall be submitted to the legal voters of the city of Englewood at the next general election to be held not less than 25 days after its passage.

(a) There shall be printed in the space provided for public questions on the ballot to be used in such general election the following question:

	Yes.	Shall "An act to provide a special charter for the city of Englewood, in the county of Bergen" be adopted?
	No.	

(b) If at such election a majority of all the valid votes cast for and against the adoption of this act shall be cast in favor of the adoption thereof, the charter shall take effect and become operative in accordance with its terms.

(c) The city clerk of the city of Englewood shall, following such referendum, forthwith file his certificate of the results of the vote on the public question with the Secretary of State.

Section 3 Validation. All proceedings of the charter commission of the city of Englewood, including the appointment and qualification of its members and the submission of its report and recommendations, and all actions of the mayor and common council with respect thereto including the petition to legislature for the passage of this special act, and the time and manner of all publications required in connection therewith, are hereby ratified, confirmed and validated.

Section 4 Severability. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have rendered.

Section 5 Effective date. This act shall take effect immediately.

Approved October 4, 1978.

CHAPTER 124

AN ACT to amend and supplement the "Horizontal Property Act," approved December 16, 1963 (P. L. 1963, c. 168).

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

1. Section 2 of P. L. 1963, c. 168 (C. 46:8A–2) is amended to read as follows:

C. 46:8A-2 Definitions.

2. Unless it is plainly evident from the context that a different meaning is intended, as used herein:

(a) "Apartment" means an enclosed space consisting of one or more rooms occupying all or part of a floor or floors in a building of one or more floors or stories, but not the entire building, and notwithstanding whether the apartment be designed for residence, for office, for the operation of any industry or business, or for any

other type of independent use, provided it has a direct exit to a thoroughfare or to a given common space leading to a thoroughfare;

(b) "Coowner" means a person, firm, corporation, partnership, association, trust or other legal entity, or any combination thereof, who owns an apartment within the building;

(c) "Council of coowners" means all the coowners as defined in subsection (b) of this section; but a majority as defined in subsection (f) of this section, shall, except as otherwise provided in this act constitute a quorum for the adoption of decisions;

(d) "General common elements" means and includes:

(1) The land on which the building is located;

(2) The foundations, main walls, roofs, halls, lobbies, stairways, and entrance and exit or communication ways;

(3) The basements and roofs, except as otherwise provided or stipulated;

(4) The premises for the lodging of janitors or persons in charge of the building, except as otherwise provided or stipulated;

(5) The compartments or installations of central services such as power, light, gas, cold and hot water, refrigeration, reservoirs, water tanks and pumps, and the like;

(6) The elevators, garbage incinerators and, in general all devices or installations existing for common use;

(7) Yards, gardens, walkways, parking areas, driveways, streets, picnic areas, recreational areas and related facilities for the pursuit of activities, whether included in one or more regimes or located adjacent to or between one or more regimes and intended to be available for use by the coowners of all regimes, except as otherwise provided or stipulated; and

(8) All other elements rationally of common use or necessary to the existence, upkeep and safety of the property;

(e) "Horizontal property regime" means the form of ownership of real property which consists of the building or buildings, common elements and other property described in the master deed creating and establishing the same.

(f) "Limited common elements" means and includes those common elements which are agreed upon by all the coowners to be reserved for the use of a certain number of apartments to the exclusion of the other apartments, such as special corridors, stairways and elevators, sanitary services common to the apartments of a particular floor, and the like;

(g) "Majority" or "Majority of coowners" means the coowners of at least 51% of all the apartments in the regime;

(h) "Master deed" means the deed establishing the horizontal property regime;

(i) "Person" means an individual, firm, corporation, partnership, association, trust or other legal entity, or any combination thereof;

(j) "Property" means and includes all the lands, all the buildings, all improvements and structures thereon, and all easements, rights and appurtenances belonging thereto, included in one regime, or in two or more regimes, provided such regimes together constitute a single community.

(k) "Regime" means the property described in the master deed.

2. Section 3 of P. L. 1963, c. 168 (C. 46:8A–3) is amended to read as follows:

C. 46:8A-3 Horizontal property regime; establishment.

3. Whenever a sole owner or the coowners of a building expressly declare, through the recordation of a master deed, which shall set forth the particulars enumerated in section 9, their desire to submit their property to the regime established by this act, there shall thereby be established a horizontal property regime. The coowners of property established as a single horizontal property regime may merge with the coowners of property in one or more other regimes to form a new single horizontal property regime, upon the consent of a majority of the coowners of the property in each of the merging regimes.

3. Section 4 of P. L. 1963, c. 168 (C. 46:8A–4) is amended to read as follows:

C. 46:8A-4 Conveyance and transfer of individual apartment.

4. Once the property is submitted to the horizontal property regime, an apartment in the regime may be individually conveyed and encumbered and may be the subject of ownership, possession or sale and of all types of juridic acts inter vivos or mortis causa, as if it were sole and entirely independent of the other apartments in the regime of which it forms a part, and the corresponding individual titles and interests shall be recordable.

4. Section 6 of P. L. 1963, c. 168 (C. 46:8A–6) is amended to read as follows:

C. 46:8A-6 Exclusive ownership; proportionate interest in common elements; establishing percentages of aggregate value.

6. In each regime an apartment owner shall have the exclusive ownership of his apartment and shall have a proportionate undivided interest in the general common elements, equivalent to the percentage of the aggregate value of all the apartments represented by the value of his own apartment. Where limited common elements have been reserved for the use of his apartment, his proportionate undivided interest therein shall be equivalent to the percentage of the aggregate value of all apartments entitled to the use of said limited common elements represented by the value of his own apartment.

For the sole purpose of establishing said percentages, the value of each apartment and the aggregate value of all the apartments in the regime shall be fixed by the owner or coowners of the property making up the regime, and shall be computed on the basis of the fair market value of said apartments at the time when the regime is established; provided, however, that nothing herein contained shall prevent the owner of each apartment from attributing a different circumstantial value to his apartment in all types of acts and contracts. Said percentages shall have a permanent character, and shall not be altered without the acquiescence of the coowners in the regime.

5. Section 12 of P. L. 1963, c. 168 (C. 46:8A–12) is amended to read as follows:

C. 46:8A-12 Regrouping or merger.

12. Two-thirds of the coowners or the sole owner of property constituted into a horizontal property regime may waive this regime and regroup or merge the records of the individual apartments with the principal property, provided, that the individual apartments are unencumbered, or if encumbered, that the creditors in whose behalf the encumbrances are recorded agree to accept as security the undivided portions of the property owned by the debtors.

6. Section 15 of P. L. 1963, c. 168 (C. 46:8A–15) is amended to read as follows:

C. 46:8A-15 Provisions to be included in bylaws.

15. The bylaws must necessarily provide for at least the following:

(a) Form of administration, indicating whether this shall be in charge of an administrator or of a board of administration, or

otherwise, and specifying the powers, manner of removal, and, where proper, the compensation thereof.

(b) Provisions for notices of meetings of coowners containing a statement of the purpose of the meeting; method of notifying and calling or summoning the coowners to assemble; that all decisions, including decisions involving capital expenditures, shall require the affirmative vote of at least a majority of the coowners of the property; who is to preside over the meeting and who will keep the minute book wherein the resolutions shall be recorded.

(c) Care, upkeep and surveillance of each building and the general and limited common elements and services of each building.

(d) Manner of collecting from the coowners for the payment of the common expenses.

(e) Designation and dismissal of the personnel necessary for the works and the general and limited common services of each building.

The sole owner of the property, or, if there be more than one, a majority of the coowners of the property, may at any time modify the system of administration, but each one of the particulars set forth in this section shall always be embodied in the bylaws. No such modification may be operative until it is embodied in a recorded instrument which shall be recorded in the same office and in the same manner as was the master deed and original bylaws of the horizontal property regime involved.

7. Section 16 of P. L. 1963, c. 168 (C. 46:8A-16) is amended to read as follows:

C. 46:8A-16 Records kept.

16. The administrator, or the board of administration, or other form of administration specified in the bylaws, shall keep books with a detailed account, in chronological order, of the receipts and expenditures affecting the property and its administration and specifying the maintenance and repair expenses of the common elements and any other expenses incurred. Said books and the vouchers accrediting the entries made thereupon shall be available for examination by all the coowners at convenient hours on working days that shall be set and announced for general knowledge.

8. Section 18 of P. L. 1963, c. 168 (C. 46:8A-18) is amended to read as follows:

C. 46:8A-18 Expenses borne pro rata by coowners; computation.

18. The coowners of the apartments are bound to contribute pro rata toward (a) the expenses of administration, of furnishing

services and of maintenance and repair of the exterior of each building and of the general common elements, and, in the proper case, of the limited common elements, of the property; (b) the expenses relating to the maintenance and servicing of recreational areas and related facilities and expenses involved in furnishing services to coowners and in furnishing for coowners areas and facilities for pursuing activities; and (c) any other expense lawfully agreed upon.

The amount of each contribution shall be computed by the administrator, or the board of administration, or other form of administration specified in the bylaws, and with respect to the expenses referred to under (a) above may be based upon the assessed valuation of the apartment, or such other basis of computation as in the opinion of the administrator, or the board of administration, or other form of administration specified in the bylaws, is more equitable, and with respect to the expenses referred to in (b) above shall be based upon a per capita assessment against each occupant, and with respect to the expenses referred to under (c) above, upon the basis agreed upon.

No coowner may exempt himself from contributing toward such expenses by waiver of the use or enjoyment of the common elements or by abandonment of the apartment belonging to him.

9. Section 23 of P. L. 1963, c. 168 (C. 46:8A–23) is amended to read as follows:

C. 46:8A-23 Insurance.

23. The coowners, as such, or the administrator, or the board of administration, or other form of administration specified in the bylaws, shall insure all buildings and the general and limited common elements against risk, without prejudice to the right of each coowner to insure his apartment on his own account and for his own benefit.

10. Section 25 of P. L. 1963, c. 168 (C. 46:8A–25) is amended to read as follows:

C. 46:8A-25 Cost of reconstruction when building is not insured; how paid.

25. Where any building is not insured or where the insurance indemnity is insufficient to cover the cost of reconstruction, the new building costs shall be paid by all the coowners directly affected by the damage, in proportion to the value of their respective apartments, or as may be provided by said bylaws; and if so provided in the bylaws such costs shall be paid by the adminis-

trator, or the board of administration, or other form of administration specified in the bylaws.

The provisions of this section may be changed by unanimous resolution of the parties concerned, adopted subsequent to the date on which the fire or other disaster occurred.

C. 46:8A-3.1 Application of act's provisions to two or more regimes which constitute single community.

11. (New section) Where the coowners of the apartments in two or more regimes, which together constitute a single community, are organized into a single entity, such as, but not limited to, a corporation formed under Title 15 of the Revised Statutes of the State of New Jersey, the provisions of this act shall apply to such an entity with the same force and effect as they would if such an entity were in fact a single regime.

12. This act shall take effect immediately.

Approved October 5, 1978.

CHAPTER 125

AN ACT to amend the "Child Placement Review Act", approved February 27, 1978 (P. L. 1977, c. 424).

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

1. Section 3 of P. L. 1977, c. 424 (C. 30:4C–52) is amended to read as follows:

C. 30:4C-52 Definitions.

3. As used in this act, unless the context indicates otherwise:

a. "Child" means any person less than 18 years of age;

b. "Child placed outside his home" means a child under the care, custody or guardianship of the division who resides in a foster home, group home or residential treatment facility operated by or approved for payment by the division;

c. "County of supervision" means the county in which the division has established responsibility for supervision of the child;

d. "Division" means the Division of Youth and Family Services in the Department of Human Services;

e. "Temporary caretaker" means a foster parent as defined in section 1 of P. L. 1962, c. 136 (C. 30:4C–26.4) or a director of a group home or residential treatment facility.

2. Section 4 of P. L. 1977, c. 424 (C. 30:4C–53) is amended to read as follows:

C. 30:4C-53 Notice of placement; filing and form; court jurisdiction; notice of permanent placement.

4. Within 72 hours after the placement of a child outside his home pursuant to a voluntary agreement, the division shall file notice of such placement with the juvenile and domestic relations court in the child's county of supervision. Such notice shall be in the form of a complaint encaptioned "In the matter of , a minor" and shall include the date and type of placement and the reasons for such placement. Such filing shall establish a continuing jurisdiction of the court over the placement of the child.

The division shall also file immediate notice with the court of any change in placement and of the permanent placement or return home of the child. The court's jurisdiction shall cease upon receipt of such notification of the return home or alternative permanent placement of the child.

3. Section 5 of P. L. 1977, c. 424 (C. 30:4C–54) is amended to read as follows:

C. 30:4C-54 Approval of placement.

5. The court shall, within 15 days following receipt of the notice of the initial placement pursuant to a voluntary agreement, determine, based solely upon the complaint and other affidavits and written materials submitted to the court, whether or not the continuation of the child in his home would be contrary to the welfare of the child, and either approve the placement or order the return of the child to his home.

If the court has before it conflicting statements of material fact, the court may require supplementary material or may schedule a summary hearing. The court shall provide written notice of the date, time and place of such hearing to the parents or legal guardian of the child and the division.

4. Section 8 of P. L. 1977, c. 424 (C. 30:4C–57) is amended to read as follows:

C. 30:4C-57 Child placement review boards; establishment; membership; appointment; vacancies; reimbursement for expenses.

8. The assignment judge in each county shall establish as an arm of each juvenile and dometsic relations court one or more

child placement review boards. The number of review boards in each county shall not exceed the number of juvenile and domestic relations judges authorized for the county. Each board shall consist of five members to be appointed by the judge from among the residents of such county. Each member shall be a person who has either training, experience or interest in issues concerning child placement or child development. Each board shall, to the maximum extent feasible, represent the various socioeconomic, racial and ethnic groups of the county in which it serves. The judge shall annually select one of the members of the board as chairperson.

Members shall be appointed for terms of 3 years, except that of those initially appointed, one shall be for a term of 1 year, two for terms of 2 years, and two for terms of 3 years. Members shall serve after the expiration of their terms until their respective successors shall have been appointed. Vacancies shall be filled for the duration of the unexpired terms. Members shall serve without compensation but shall be reimbursed for such reasonable and necessary expenses incurred in the performance of their official duties. The governing body of the county in which the board serves may, at its discretion, provide for reimbursement to review board members for such additional and reasonable expenses as the governing body may determine.

Each board shall meet at such times as it shall determine. Each juvenile and domestic relations court shall provide its board with reasonable and necessary clerical support services.

5. Section 9 of P. L. 1977, c. 424 (C. 30:4C–58) is amended to read as follows:

C. 30:4C-58 Review of cases.

9. Each board shall act on behalf of the juvenile and domestic relations court in reviewing the case of every child placed outside his home pursuant to a voluntary agreement to determine whether the best interests of the child are being served by such placement. Such a review shall be initiated within 45 days following the initial placement and completed within 15 days thereafter. A periodic review shall take place at least every 12 months thereafter.

Each board shall also act on behalf of the juvenile and domestic relations court in reviewing the case of each child placed outside his home by the division in accordance with a court order pursuant to P. L. 1974, c. 119, s. 34 (C. 9:6–8.54), P. L. 1951, c. 138, s. 12 (C. 30:4C–12), P. L. 1973, c. 306, s. 21 (C. 2A:4–61) or P. L. 1973,

c. 306, s. 22 (C. 2A:4–62). Such a review shall be initiated upon receipt by the board of the placement plan, which shall be submitted by the division within 45 days of the court order. The board's review shall be completed within 15 days of receipt of the plan. A periodic review shall take place at least every 12 months thereafter.

All such reviews shall include, but not necessarily be limited to, the consideration and evaluation of such matters as:

a. The appropriateness of the goal and objectives of the placement plan;

b. The appropriateness of the services provided to the child, the parents or legal guardian and the temporary caretaker;

c. Whether the child has siblings who are also placed outside of their home;

d. Whether the wishes of the child were considered regarding placement and development of the placement plan, when appropriate;

e. Whether the division, the parents or legal guardian and the temporary caretaker are fulfilling their respective responsibilities in accordance with the placement plan;

f. Whether the parents or legal guardian have been afforded the opportunity and been encouraged to participate in a program of regular visitation with the child;

g. Whether there are obstacles which hinder or prevent the attainment of the placement plan objectives and goal; and

h. The circumstances surrounding the placement.

In the case of a child in placement outside of his home on the effective date of this act, the first review shall be completed as soon as possible, but not later than 12 months following such effective date.

6. Section 10 of P. L. 1977, c. 424 (C. 30:4C–59) is amended to read as follows:

C. 30:4C-59 Written notice of review to parties involved.

10. Each board shall provide written notice of the date, time and place of each review at least 15 days in advance to the following, each of whom shall be entitled to submit information in writing to the board:

a. The division;

b. The child;

c. The parents or legal guardian; and

d. Any other person or agency whom the board determines has

an interest in or information relating to the welfare of the child, which may include the temporary caretaker.

The board shall conduct a review and make recommendations based upon the written materials; provided, however, that the board may afford any party or person an opportunity to appear before it if the board feels that such an appearance will assist it in conducting its review or making its recommendations.

7. Section 11 of P. L. 1977, c. 424 (C. 30:4C–60) is amended to read as follows:

C. 30:4C-60 Written report to court and division; findings.

11. Within 10 days after the completion of such review, the board shall submit a written report to the juvenile and domestic relations court and the division. Such report shall offer one of the following findings, stating the specific reasons therefor:

a. That return of the child to his parent or legal guardian is in the child's best interest;

b. That continued placement outside of the home is in the child's best interest and that the placement plan is appropriate for the child's needs;

c. That continued placement outside of the home is in the child's best interest, but that the placement plan is not appropriate for the child's needs;

d. That the initiation of proceedings for the termination of parental rights in order to free the child for adoption is in the child's best interest.

8. Section 12 of P. L. 1977, c. 424 (C. 30:4C–61) is amended to read as follows:

C. 30:4C-61 Issuance of order concerning child's placement; review of report; hearing; notice to parties.

12. a. Upon review of the board's report, the juvenile and domestic relations court shall issue an order concerning the child's placement which it deems will best serve the interests of the child. The court shall either:

(1) Order the return of the child to his parents or legal guardian;

(2) Order continued placement in accordance with the placement plan currently in effect;

(3) Order continued placement in accordance with a new placement plan to be developed by the division and approved by the court; or

(4) Order continued placement and recommend that the division initiate proceedings to terminate parental rights in order to free the child for adoption.

b. In reviewing the report, the court may request that, where available, any written or oral information submitted to the board be provided to the court. The court shall make a determination based upon the report and any other information before it; provided, however, that if:

(1) The court has before it conflicting statements of material fact which it cannot resolve without a hearing; or

(2) A party entitled to participate in the proceedings requests a hearing; or

(3) The court concludes that the interest of justice require that a hearing be held;

the court may schedule a summary hearing.

c. Notice of such hearing, including a statement of the dispositional alternatives of the court, shall be provided at least 30 days in advance to the following parties, each of whom shall be entitled to participate in the proceeding:

(1) The division;

(2) The child;

(3) The child's parents or legal guardian.

The court may also request additional information from any other persons or agencies which the court determines has an interest in or information relating to the welfare of the child, which may include the temporary caretaker.

9. Section 13 of P. L. 1977, c. 424 (C. 30:4C–62) is amended to read as follows:

C. 30:4C-62 Child placement advisory council; membership; responsibility of council.

13. There is hereby established a Child Placement Advisory Council to consist of one member from each of the child placement review boards to be selected annually by the chairman of each review board. The Administrative Office of the Courts shall provide the council with reasonable and necessary clerical support services. It shall be the responsibility of the council to:

a. Advise the Supreme Court with respect to the issuance of rules governing the duties, responsibilities and practices of the review boards;

b. Review the policies, practices and procedures of the division with respect to the placement of children;

c. Monitor and evaluate the effectiveness of this act in promoting the welfare of children placed outside their home;

d. Advise the Supreme Court with respect to the establishment of guidelines and procedures for the training of placement review board members;

e. Advise the Supreme Court with respect to the establishment of reporting procedures to be followed by the review boards for the provision of data for the evaluation of this act;

f. Make an annual report on the effectiveness of the implementation of this act to the Supreme Court, the Governor and the Legislature and such other reports as it may deem proper or as may be requested from time to time by the Supreme Court, the Governor or the Legislature.

10. Section 14 of P. L. 1977, c. 424 (C. 30:4C-63) is amended to read as follows:

C. 30:4C-63 Rules governing duties, responsibilities and practices; issuance.

14. The Supreme Court, in consultation with the Child Placement Advisory Council, shall: issue such rules governing the duties, responsibilities and practices of the boards as it deems necessary to effectuate the purposes of this act; establish guidelines and procedures for the training of placement review board members; and establish reporting procedures to be followed by the review boards for the provision of data for the evaluation of this act.

11. This act shall take effect immediately.

Approved October 16, 1978.

CHAPTER 126

AN ACT making appropriations from the Institutions Construction Fund for the construction of institutions.

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

1. There is hereby appropriated to the Department of Human Services, from the Institutions Construction Fund, the sum of $28,900,000.00 for the following construction projects:

DIVISION OF MENTAL RETARDATION	
Improvements and Renovations Mental Retardation Facilities	$3,100,000.00
Improvements and Renovations Neuro-Psychiatric Institute	2,800,000.00
Replacement of Residential Facilities for the Mentally Retarded	6,000,000.00
Adult Activities Centers for the Mentally Retarded	3,000,000.00
Subtotal: Division of Mental Retardation	$14,900,000.00
DIVISION OF MENTAL HEALTH AND HOSPITALS	
Community Mental Health Centers	$2,500,000.00
Repair and Replace Boilers Mental Health Institutions	4,000,000.00
Renovation of Facilities Mental Health Institutions	7,500,000.00
Subtotal: Division of Mental Health and Hospitals	$14,000,000.00
TOTAL: Department of Human Services	$28,900,000.00

2. There is also appropriated from the proceeds of the sale of the bonds hereinafter mentioned, such sums as may be necessary to meet any expense incurred by the issuing officials under the act hereinafter mentioned, for advertising, engraving, printing, clerical, legal or other services necessary to carry out the duties imposed upon them by the provisions of said act.

3. It is the declared purpose of this act that the funds from which said appropriations shall be met shall be these funds which shall be derived from the sale of the Institutions Construction Bonds, the issuance of which is provided for in P. L. 1976, c. 93, which said act was submitted to the people and approved by the people at the general election held on November 2, 1976.

4. The State Treasurer is hereby authorized, empowered, and directed and it shall be his duty to set up and maintain the aforementioned appropriations in the Institutions Construction Fund established heretofore pursuant to the act hereinabove mentioned. The funds herein appropriated may be requisitioned by the Department of Human Services for the uses and purposes specifically enumerated herein, subject to the same restrictions and control as are exercised over all other appropriated State funds, but not inconsistent with the provisions of said act.

5. The State Treasurer and the State Department of Human Services are hereby empowered to enter into negotiations with the Federal Government for the purpose of securing any available financial grants and to receive any such grants and thereafter the State Treasurer may cause them to be established and maintained in the aforementioned Institutions Construction Fund in separate accounts. Any such funds so established and maintained may be requisitioned for the uses and purposes specifically enumerated herein, subject to the same restrictions and control as are exercised over all other appropriated State funds, but not inconsistent with the provisions of the act hereinabove mentioned; provided, however, that no expenditure for renovation of the Trenton Psychiatric Hospital, from the $7,500,000.00 appropriation for renovation of mental health facilities, shall be made until the Director of the Division of Budget and Accounting and the Capital Planning Commission approve the facility utilization plan concerning this facility submitted to them by the Department of Human Services.

6. The Director of the Division of Budget and Accounting in the Department of the Treasury is hereby authorized, empowered and directed and it shall be his duty to make such correction of the title or text, or both, of any item in this act contained necessary to make such appropriation available for the purpose or purposes of its intention. Such correction shall be by written ruling reciting any appropriate details, the facts thereof and the reasons therefor, attested by the signature of the director and filed by him in his office as an official record, and any action thereunder, including disbursements, and the audit thereof, shall be legally binding and of full force and effect.

7. In order to provide flexibility in administering the provisions of this act, the Commissioner of Human Services may apply to the Director of the Division of Budget and Accounting for permission to transfer a part of any item to any other item within the respective department accounts in the Institutions Construction Fund. Upon the approval of such application by said director and by the Executive Director of the Office of Fiscal Affairs, in writing, said director shall make such transfer as provided by law.

8. This act shall take effect immediately.

Approved October 18, 1978.

CHAPTER 127

AN ACT to amend and supplement "An act to provide for the creation, setting apart, maintenance and administration of a county employees' pension fund in counties having a population of from 300,000 to 325,000 inhabitants," approved August 12, 1948 (P. L. 1948, c. 310), and amending P. L. 1975, c. 230, approved October 16, 1975.

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

1. Section 14 of P. L. 1948, c. 310 (C. 43:10–18.63) is amended to read as follows:

C. 43:10-18.63 Pension to survivors.

14. If an employee or pensioner dies leaving dependent children under 18 years of age and he or she is, at death, a widower or widow, the benefits of this article which a widow or widower would otherwise be entitled to receive shall be paid to the guardian of such children for their exclusive use and benefit. If one child survives, such benefits shall cease when such child attains 18 years of age. If more than one child survives, the benefits shall be divided proportionately among all of such children under the age of 18 years.

2. Section 15 of P. L. 1948, c. 310 (C. 43:10–18.64) is amended to read as follows:

C. 43:10-18.64 Provisions applicable to all members of retirement system.

15. The following provisions shall apply to all members of the retirement system:

(a) (Deleted by amendment.)

(b) Where a husband and wife are each receiving a pension as a retired employee from any retirement system supported wholly or in part by the county, upon the death of either the husband or the wife, if the survivor is entitled to receive another pension on account of such death, said survivor shall elect to accept one or the other of the two pensions but in no case shall a beneficiary receive more than one pension at the same time.

(c) Where any employee or other beneficiary is entitled to receive two pensions under the provisions of this act, such employees or other beneficiary shall elect to receive one or the other

of the two pensions and in no case shall receive more than one pension.

(d) The rights of any employee or beneficiary to receive any payments under the Workmen's Compensation Act of New Jersey shall not be affected or impaired by any of the provisions of this act.

(e) Where the service of an employee is terminated by reason of imposition of a sentence upon him of actual commitment to a penal institution on account of conviction of an indictable offense involving moral turpitude, no pension under this act shall be paid to any such employee; provided, however, that no member of this retirement system who shall have served honorably as a county employee for a period of 20 years and shall have attained the age of 55 years shall be deprived of his pension privileges because of any violation of the rules and regulations established for the government of such county employment, but he may be fined, reprimanded or discharged.

(f) Where any pension or other benefit shall be payable from the pension fund herein provided to any retired employee or other beneficiary who is or shall be confined in a penal institution as the result of a conviction of a crime involving moral turpitude, the pension commission may pay such pension or any part of it or other benefit to the wife, husband, minor children, mother or father of the confined person if it determines the same is necessary for their maintenance during such confinement.

(g) All payments of pensions shall be made semimonthly. Payments of pensions, refunds or other benefits under this act shall be made without interest.

(h) Upon and after the adoption of this act the benefits hereunder shall not extend to the widow or widower of any county employee who shall remarry, or shall have married such employee after such employee has retired or attained the age of 50 years, nor to any children of such marriage. No such widow or widower shall be eligible to benefits hereunder who was or shall be more than 15 years younger than the employee at the time of their marriage if such marriage occurs hereafter while the employee is a member of this retirement system, nor shall any children of such marriage be eligible for said benefits.

(i) Persons who may become entitled to pensions under this act shall be paid on the first and fifteenth day of each month, or at the same time as all persons permanently employed by the county.

C. 43:10-18.64a Definitions.

3. (New section) As used in this act:

a. "Retirant" means any former employee included in the membership of the pension fund established under the act to which this act is a supplement, who has retired from such employment, and as a result of such employment has or shall have received a pension from the pension fund for no less than 24 months.

b. "Beneficiary" means any person who, as a result of the death of an active or retired member has or shall have received a pension or a minimum pension pursuant to sections 1 and 13 of P. L. 1948, c. 310 (C. 43:10–18.50 and 43:10–18.62) for no less than 24 months. In the case of any beneficiary, the 24 month period shall include the period in which the retirant was entitled to receive his pension.

c. "Benefit year" means:

(1) The calendar year 1974 for:

(a) All retirants who retired before calendar year 1975; and,

(b) All beneficiaries of retirants or active members who died while in active service before 1975, except those beneficiaries covered by (3) of this subsection;

(2) The actual calendar year of retirement for:

(a) All members who retired on or after January 1, 1975; and,

(b) All beneficiaries of retirants or active members who died while in active service on or after January 1, 1975, except those beneficiaries covered by (3) of this subsection; and,

(3) The calendar year 1975 for all beneficiaries who were entitled to receive increased pensions pursuant to section 1 of P. L. 1948, c. 310 (C. 43:10–18.50) and all beneficiaries of active members who died while in active service and were entitled to receive increased pensions in 1975 in accordance with section 13 of P. L. 1948, c. 310 (C. 43:10–18.62).

d. "Calendar year" means the 12-month period beginning January 1 and ending December 31.

e. "Index" means the annual average over a 12-month period, beginning September 1, and ending August 31, of the Consumer Price Index for Urban Wage Earners and Clerical Workers, All Items Series A, of the United States Department of Labor (1967=100). Should the reference base of said index be changed, the index used to determine the Consumer Price Index as defined herein will be the index converted to the new base by standard statistical methods. The annual average index so calculated shall

be the index for the calendar year in which the 12-month period ends.

f. "Benefit year index" shall be the index of the benefit year.

C. 43:10-18.64b Adjustment in pensions.

4. (New section) The employer shall bear the cost of the adjustment in the pensions payable to retirants who retired from the employ of such employer and the cost of adjustments in the pensions payable to beneficiaries of active or retired members who were in the employ of the employer at the time of the member's death or retirement. The employer shall appropriate the amount in the fiscal year next following, taking into account payments to be made to such retirants or beneficiaries qualifying for the first time for this adjustment in the following year.

The adjustment in pensions provided for under this supplementary act shall commence with pension benefit payments for the month of January 1978, except as hereinafter specified, provided that there is appropriated the amount certified by the Director of the Division of Pensions of the State Department of the Treasury to the Director of the State Division of Budget and Accounting as set forth in the Pension Adjustment Act (P. L. 1969, c. 169, C. 43:3B–1 et seq.). In the case of any retirant or beneficiary first becoming eligible to receive an adjustment under the provisions of this act, such adjustment shall be paid beginning in the 25th month in which he is entitled to receive his pension benefit. The adjustment in pensions shall continue to be paid so long as there shall be appropriated the amounts so certified. In the event that the necessary funds are not so appropriated, the increase in pensions shall cease; no further payments shall be made by the employer; a refund shall be made by the retirement system to the employer of any balance unexpended on its account.

C. 43:10-18.64c Percentum of change; certification of amounts sufficient to adjust pensions.

5. (New section) On or before the 30th day following the effective date of this act and on or before October 1, 1978 and by the same date in each subsequent year, the Director of the Division of Pensions of the State Department of Treasury shall review the index and determine the percentum of change in the index from the benefit year index pursuant to the provisions of the Pension Adjustment Act (P. L. 1969, c. 169, C. 43:3B–1 et seq.). The percentage of adjustment in the pensions shall be ⅗ of the percentum change. Any adjustment so calculated shall apply to all of the months of the following calendar year for eligible retirants

and beneficiaries, except for those qualifying for the first time, it shall apply only to those months of the following calendar year in which the retirant or beneficiary is eligible to receive the adjustment.

The director shall certify the amounts sufficient to adjust the pensions payable to all eligible retirants and beneficiaries by ⅗ of the percentum of change in the index as such pensions may have been originally granted or increased for certain retirants in accordance with section 10 of P. L. 1966, c. 210 (C. 43:10-18.58b) or increased for certain beneficiaries in accordance with section 13 of P. L. 1948, c. 310 (C. 43:10-18.62). The director shall notify the secretary of the pension fund of the percentage of adjustment in the applicable year.

In no instance shall the amount of the pension originally granted and payable to any retirant be reduced as a result of this adjustment.

C. 43:10-18.64d Waiver.

6. (New section) Any retirant or beneficiary who is eligible to receive an adjusted pension under the provisions of this supplementary act may, at any time, waive his right thereto by filing a written notice of waiver with the pension commission. Such waiver may be withdrawn at any time and upon such withdrawal the adjustment in the pension shall commence with the pension payment for the next following month.

C. 43:10-18.64e Termination of increases due to blanket increases; exception; amount payable; annual review.

7. (New section) If legislation is adopted providing for a blanket increase in original pensions or minimum pensions to any group of retirants or beneficiaries eligible for benefits under this supplementary act, other than legislation enacted prior to 1978, all increases provided under this supplementary act shall be terminated on the first of the month when such blanket increases or minimum pensions are payable, except in those instances where the retirant's or beneficiary's original pension plus the increases provided under this supplementary act will exceed the amounts payable to such retirant or beneficiary as a result of such other legislation; in such event the amount payable under this supplementary act shall thereafter be the difference between the new pension payable by the pension fund and the amount which would otherwise have been paid under this act. Any subsequent annual review of amounts payable under this supplementary act for such retirants and beneficiaries shall continue to be determined on the

basis of the original pension as granted by the retirement system prior to any blanket increase or provision for minimum pension for any group of retirants or beneficiaries eligible for benefits under this supplementary act.

C. 43:10-18.64f Rules and regulations; report to Governor and Legislature.

8. (New section) The Director of the Division of Pensions of the State Department of the Treasury shall promulgate such rules and regulations, not inconsistent with the provisions of the Pension Adjustment Act (P. L. 1969, c. 169, C. 43:3B–1 et seq.) and this supplementary act, as he shall deem necessary for the effective operation of the program. He shall include a report of the operation of this supplementary act in his annual report submitted to the Governor and the Legislature regarding all of the operations of the Division of Pensions. The secretary of the pension fund shall furnish such information as the director may request for this purpose.

9. Section 5 of P. L. 1975, c. 230 (C. 43:10–18.58c) is amended to read as follows:

C. 43:10-18.58c Additional pension.

5. Any employee retiring after the effective date of this act who has 25 years of service and who has attained 55 years of age, shall be entitled, in addition to a pension at 50% of final salary, to an added 1% of his average salary for each year in excess of 25 years of service rendered prior to his reaching age 70.

10. This act shall take effect immediately but the first adjustment provided for in this amendatory and supplementary act shall be retroactive to January 1, 1978, provided that funds are appropriated in accordance with section 3 of this act.

Approved October 18, 1978.

CHAPTER 128

AN ACT concerning municipal tax assessors, amending N. J. S. 40A:9–146 and 40A:9–148, and supplementing Title 40A of the New Jersey Statutes.

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

1. N. J. S. 40A:9–146 is amended to read as follows:

Tax assessors; appointment.

40A:9–146. The governing body or chief executive, as shall be appropriate to the form of government of the municipality shall provide for the appointment of either one or more assessors of taxes or a board of assessors of taxes to consist of not less than three nor more than 9 members. The said governing body, by ordinance, shall determine the number and the amount of compensation of such assessors or members of the board of assessors. Any such ordinance shall be subject to alteration, modification or repeal.

2. N. J. S. 40A:9–148 is amended to read as follows:

Tax assessors; board of assessors; term of office.

40A:9–148. Every municipal tax assessor shall hold his office for a term of 4 years from the first day of July next following his appointment.

Where there is a board of assessors the governing body of the municipality, by ordinance, shall arrange the terms of office of the members of such board in such manner that the terms of office of a majority of the members thereof shall not expire at the same time by providing staggered terms of office. To accomplish said purpose the terms may be of 1, 2 or 3 years, but when accomplished, appointments shall be for terms of 4 years.

Vacancies other than due to expiration of term shall be filled by appointment for the unexpired term.

The term "tax assessor" as used herein shall mean and include assessors, members of the board of assessors, and all other persons charged with the duty of assessing property for taxation in municipalities.

3. (New section) The provisions of any other law to the contrary notwithstanding, upon and after the effective date of this amendatory and supplementary act all municipal tax assessors in this State shall hold office by virtue of appointment pursuant to the provisions of N. J. S. 40A:9–146 and 40A:9–148, except as otherwise provided in sections 4 and 5 of this act.

4. (New section) All municipal tax assessors holding office on the effective date of this amendatory and supplementary act shall continue in office until their respective terms of office shall expire and until their successors are appointed in the manner provided by N. J. S. 40A:9–146 and 40A:9–148.

5. (New section) Nothing contained in this amendatory and supplementary act shall be construed to adversely affect or terminate the tenure of any municipal tax assessor acquired, pursuant to section 7 of P. L. 1967, c. 44 (C. 54:1–35.31) or any other statute, prior to the effective date of this act; and nothing contained in this act or in any other statute shall prevent any municipal tax assessor who upon the effective date of this act holds office by virtue of his election thereto from acquiring tenure upon being appointed thereto after the effective date of this act, if he otherwise qualifies for such tenure pursuant to section 7 of P. L. 1967, c. 44 (C. 54:1–35.31).

6. This act shall take effect July 1 next following enactment.

Approved October 18, 1978.

CHAPTER 129

AN ACT concerning education and supplementing chapter 13 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:13-24.1 Application of payment received pursuant to Federal Impact Financial Assistance Law.

1. Any payment received by a regional school district pursuant to section 2 of the Federal Impact Financial Assistance Law, P. L. 81-874 (20 U. S. C. 236, et seq.) shall be applied to offset any amounts due that regional school district from the municipality in which is located the Federal land for which such payments are made.

C. 18A:13-24.2 Amounts for which credit not given.

2. Any amounts that were paid in previous years, or any amounts that are paid currently for previous school years, to the regional district by the Federal government pursuant to section 2 of P. L. 81-874 (20 U. S. C. 236, et seq.) for which credit has not been given pursuant to section 1 of this act shall be credited against the municipality's portion of the regional costs in the future in an amount not to exceed the amount paid to the regional district by the municipality in such previous years.

3. This act shall take effect immediately.

Approved October 18, 1978.

CHAPTER 130

AN ACT to amend the "Overseas Residents Federal Election Absentee Voting Law," approved May 7, 1976 (P. L. 1976, c. 23).

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

1. Section 4 of P. L. 1976, c. 23 (C. 19:59–4) is amended to read as follows:

C. 19:59-4 Request for application; qualification to vote.

4. Requests for an application to vote in a Federal election as an overseas Federal election voter may be made by or on behalf of an applicant to the county clerk of the county in which the applicant was formerly domiciled or to the Secretary of State of New Jersey if the applicant does not know the county of his former domicile. All such applications shall be forwarded by air mail to such voters. To qualify an applicant to be sent a ballot and to vote in an election his completed application shall be received by the appropriate county clerk on or before the thirtieth day preceding the election.

2. Section 5 of P. L. 1976, c. 23 (C. 19:59–5) is amended to read as follows:

C. 19:59-5 Application form.

5. a. An application for an overseas Federal election voter ballot shall be in substantially the following form:

APPLICATION FOR AN OVERSEAS FEDERAL ELECTION VOTER BALLOT

I, the undersigned, certify the following as a basis for an application as citizen of the United States residing outside the United States to receive a Federal election ballot to be voted at the election to be held on ..... that is to say:
(date of election)

1. I am a citizen of the United States;

2. I presently reside at .....
..... (if mail should be addressed other than to my residence, also provide address for mail) .....;

3. I was born on ..... (month, day, year)

4. a. I hold a valid U.S. Passport #..... , dated
....., or

b. I hold a United States Citizens Identity and Registration Card (Form FS 225) dated ..... issued by .... (name and location of U.S. Embassy or Consulate).

5. Immediately prior to taking up residence abroad I was domiciled in New Jersey and resided at ....., (street address) ....., ... (municipality) (county) (If formerly registered to vote from that address check here [ ]).

6. I do not maintain a domicile in the United States and am not registered, entitled or applying to vote in any state other than New Jersey.

7. I understand that any false statement knowingly made in this application subjects me to the penalties provided by law for fraudulent voting.

..... Applicant
(Signature)

Dated: .... Applicant
(Print or type name)

b. There shall also be sent to the applicant *by air mail* such instructions and portions of the law or regulations as the Secretary of State shall direct.

3. Section 8 of P. L. 1976, c. 23 (C. 19:59–8) is amended to read as follows:

C. 19:59-8 Instructions for completion and return of ballots; notice.

8. Each county clerk shall send by air mail, with each overseas Federal election voter ballot, appropriate printed instructions for its completion and return, together with an inner and outer envelope similar to that required as to civilian absentee ballots with a legend on the inner envelope stating "Overseas Federal Election Ballot." The printed instructions shall include a copy of the following notice:

PENALTY FOR FRAUDULENT VOTING

Any person who, knowingly violates any of the provisions of the Overseas Residents Federal Election Absentee Voting Law, or who, not being entitled to vote thereunder, fraudulently votes or attempts to vote thereunder or enables or attempts to enable another person, not entitled to vote thereunder, to vote fraudulently there-

under or who prevents or attempts to prevent by fraud the voting of any person legally entitled to vote under this act, shall be guilty of an indictable offense, and upon conviction thereof shall be subject, in addition to such other penalties as are authorized by law, to disenfranchisement unless and until pardoned or restored by law to the right of suffrage.

4. This act shall take effect immediately.

Approved October 18, 1978.

CHAPTER 131

AN ACT to amend and supplement the "Emergency Transportation Tax Act," approved May 29, 1961 (P. L. 1961, c. 32), and amending P. L. 1970, c. 304.

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

1. Section 6 of P. L. 1961, c. 32 (C. 54:8A–6) is amended to read as follows:

C. 54:8A-6 Computation of tax on net income.

6. (a) (Deleted by amendment.) P. L. 1972, c. 12.

(b) For taxable years ending after December 31, 1971 through and including those ending in 1977, the tax imposed by this act upon entire net income shall be computed at the following rates:

On such of the amount as exceeds	But does not exceed	The tax is
$0	$1,000	2%
1,000	3,000	$20 plus 3% of excess over $1,000
3,000	5,000	80 plus 4% of excess over 3,000
5,000	7,000	160 plus 5% of excess over 5,000
7,000	9,000	260 plus 6% of excess over 7,000
9,000	11,000	380 plus 7% of excess over 9,000
11,000	13,000	520 plus 8% of excess over 11,000
13,000	15,000	680 plus 9% of excess over 13,000
15,000	17,000	860 plus 10% of excess over 15,000
17,000	19,000	1,060 plus 11% of excess over 17,000
19,000	21,000	1,280 plus 12% of excess over 19,000
21,000	23,000	1,520 plus 13% of excess over 21,000
23,000	25,000	1,780 plus 14% of excess over 23,000
25,000		2,060 plus 15% of excess over 25,000

(c) (1) For taxable years ending after December 31, 1977 through and including those ending in 1978, the tax imposed by this act upon entire net income shall be computed at the following rates:

On such of the amount as exceeds	But does not exceed	The tax is
$0	$1,000	2%
1,000	3,000	$20 plus 3% of excess over $1,000
3,000	5,000	80 plus 4% of excess over 3,000
5,000	7,000	160 plus 5% of excess over 5,000
7,000	9,000	260 plus 6% of excess over 7,000
9,000	11,000	380 plus 7% of excess over 9,000
11,000	13,000	520 plus 8% of excess over 11,000
13,000	15,000	680 plus 9% of excess over 13,000
15,000	17,000	860 plus 10% of excess over 15,000
17,000	19,000	1,060 plus 11% of excess over 17,000
19,000	21,000	1,280 plus 12% of excess over 19,000
21,000	23,000	1,520 plus 13% of excess over 21,000
23,000	30,000	1,780 plus 14% of excess over 23,000
30,000		2,760 plus 15% of excess over 30,000

(2) For taxable years ending after December 31, 1978, the tax imposed by this act upon entire net income shall be computed at the following rates:

On such of the amount as exceeds	But does not exceed	The tax is
$0	$1,000	2%
1,000	3,000	$20 plus 3% of excess over $1,000
3,000	5,000	80 plus 4% of excess over 3,000
5,000	7,000	160 plus 5% of excess over 5,000
7,000	9,000	260 plus 6% of excess over 7,000
9,000	11,000	380 plus 7% of excess over 9,000
11,000	13,000	520 plus 8% of excess over 11,000
13,000	15,000	680 plus 9% of excess over 13,000
15,000	17,000	860 plus 10% of excess over 15,000
17,000	19,000	1,060 plus 11% of excess over 17,000
19,000	21,000	1,280 plus 12% of excess over 19,000
21,000	23,000	1,520 plus 13% of excess over 21,000
23,000		1,780 plus 14% of excess over 23,000

(d) (1) For each taxable year beginning in 1977 and ending in 1978 two tentative taxes shall be computed, the first as provided in subsection (b) and the second as provided in subsection (c)(1), and the tax for such year shall be the sum of that proportion of each tentative tax which the number of days in 1977 and the number of days in 1978, respectively, bears to the number of days in the entire taxable year.

(2) For each taxable year beginning in 1978 and ending in 1979 two tentative taxes shall be computed, the first as provided in subsection (c)(1) and the second as provided in subsection (c)(2), and the tax for such year shall be the sum of that proportion of each tentative tax which the number of days in 1978 and the number of days in 1979, respectively, bears to the number of days in the entire taxable year.

(e) For taxable years beginning on or after January 1, 1972, the tax imposed by section 9 of P. L. 1970, c. 304 (C. 54:8A-6.1) on minimum taxable income, as defined in section 10 of P. L. 1970, c. 304 (C. 54:8A-6.2) shall be at the rate of 6%.

2. Section 9 of P. L. 1961, c. 32 (C. 54:8A-9) is amended to read as follows:

C. 54:8A-9 Standard deduction.

9. (a) Any taxpayer may elect to deduct 10% of his gross income, or $1,000.00, whichever is less, in lieu of all deductions otherwise permitted under this act. The deduction provided for by this section shall become known as the "standard deduction."

For taxable years beginning in 1971, the standard deduction shall be 13% of gross income or $1,500.00, whichever is less; for taxable years beginning in 1972, the standard deduction shall be 14% or $2,000.00, whichever is less; for taxable years beginning in 1973 the standard deduction shall be 15% or $2,000.00, whichever is less; and for taxable years beginning in 1978 and thereafter the standard deduction shall be 16% or $2,400.00, whichever is less.

A husband and wife shall not be entitled to a standard deduction in an amount greater than one computed on their aggregate gross income, whether they file separate or joint returns. If they file separate returns, neither may elect the standard deduction unless the other also so elects. If both so elect, either may take such deduction, or they may divide it; except that for taxable years beginning in 1971 the standard deductions shall be 13% of gross income or $1,500.00, whichever is less: for taxable years beginning in 1972 the standard deduction shall be 14% or $2,000.00, whichever

is less; for taxable years beginning in 1973 the standard deduction shall be 15% or $2,000.00, whichever is less; and for taxable years beginning in 1978 and thereafter the standard deduction shall be 16% or $2,400.00, whichever is less.

Such election may be changed for a taxable year after the filing of the return, subject to regulations issued under this act. If a taxpayer wishing to make such change has a spouse who filed a separate return, the change shall not be allowed unless (1) such spouse also makes a change consistent with the change desired by the taxpayer and (2) both consent in writing to the assessment of any additional tax resulting from such change without regard to time limits otherwise preventing such assessment.

(b) Minimum New Jersey standard deduction. For taxable years beginning in 1978 and thereafter:

(1) The New Jersey standard deduction of an individual who is not married nor the head of the household nor a surviving spouse shall be the amount determined under subsection (a) of this section or $1,400.00, whichever is greater;

(2) The New Jersey standard deduction of a husband and wife whose New Jersey taxable income is determined jointly, or of the head of a household, or of a surviving spouse, shall be the amount determined under subsection (a) of this section or $1,900.00, whichever is greater; and

(3) The aggregate New Jersey standard deductions of a husband and wife whose New Jersey taxable incomes are determined separately shall be the amount determined under subsection (a) of this section or $1,900.00, whichever is greater, and such standard deductions may be taken by either or divided between them as they may elect.

3. Section 10 of P. L. 1961, c. 32 (C. 54:8A–10) is amended to read as follows:

C. 54:8A-10 Exemptions.

10. (a) Each taxpayer is allowed the following exemptions with respect to net income:

For each taxpayer, $650.00; for the taxpayer's spouse, if taxpayer does not file a joint return and if such spouse has no gross income for the eligibility year and is not a dependent of another taxpayer, an additional $650.00; for each taxpayer who is at least 65 years of age or over at the close of his taxable year, an additional $650.00, and for taxpayer's spouse under the same conditions and if the initial $650.00 exemption is allowable, an

additional $650.00; for each taxpayer who is blind at the close of his taxable year, an additional $650.00, and for taxpayer's spouse under the same conditions and if the initial $650.00 exemption is allowable, an additional $650.00. Blindness shall be deemed to exist when central visual acuity in the better eye does not exceed 20/200 with correcting lenses, or when the widest diameter of the visual field subtends an angle of not more than 20 degrees;

For each dependent whose entire gross income for the eligibility year is less than $750.00, or who is taxpayer's child or stepchild and has not attained age 19 at the close of the eligibility year or is a student: $650.00.

For taxable years beginning in 1979, such exemption shall be $700.00, and for taxable years beginning in 1980 and thereafter such exemption shall be $750.00.

With respect to all taxable years beginning on or after January 1, 1973, if (1) the taxpayer's gross income as defined in section 7 of P. L. 1961, c. 32 (C. 54:8A–7), is exceeded by (2) his entire gross income by more than $100.00, his exemptions allowed in this section shall be limited by the percentage which (1) is of (2). The manner for determining a taxpayer's entire gross income shall be provided by regulation. Such regulations may authorize the use of Federal adjusted gross income for this purpose.

(b) Husband and wife. For a husband and wife who have elected to file separate New Jersey returns on a single form pursuant to section 44 (b) of P. L. 1961, c. 32 (C. 54:8A–44 (b)), the limitation under subsection (a) of this section shall be determined by reference to (1) their total New Jersey gross incomes and (2) the combined entire gross income of the husband and wife.

4. Section 10 of P. L. 1970, c. 304 (C. 54:8A–6.2) is amended to read as follows:

C. 54:8A-6.2 Minimum taxable income.

(a) The minimum taxable income shall be the sum of the items of tax preference, as described in subsection (b) of this section, reduced (but not below zero) by the aggregate of the following:

(1) The applicable specific deduction described in subsection (c) of this section;

(2) The tax determined under subsection (b) or (c) of section 6 of P. L. 1961, c. 32 (C. 54:8A–6), as may apply, for the taxable year, reduced by the sum of the credits allowable under section 7 of this amendatory and supplementary act; and

(3) To the extent that the sum of the items of tax preference exceeds the applicable specific deduction described in subsection (c) of this section plus the tax described in paragraph 2 above, the amount of any net operating loss of the taxpayer, determined as provided in subsection (b) (5) of section 35 (C. 54:8A–35), which remains as a net operating loss carryover to a succeeding taxable year. In such case, however, the amount of such net operating loss used to reduce the sum of the items of tax preference shall be treated as an item of tax preference in the next succeeding taxable years, in order of time, to the extent that such net operating loss carryover reduces taxable income.

(b) For purposes of this act, the term "items of tax preference" shall mean the Federal items of tax preference, as defined in the laws of the United States, derived from or connected with New Jersey sources, for the taxable year, with the modifications as may be prescribed by regulations of the Division of Taxation which relate to income derived from or connected with New Jersey sources.

(1) The Federal items of tax preference for amortization of certified pollution control facilities shall be excluded from the computation of items of tax preference with respect to industrial waste treatment facilities and air pollution control facilities which qualify.

(2) The Federal items of tax preference with respect to depletion shall be excluded from the computation of items of tax preference.

(3) The Federal item of tax preference for capital gains shall be computed by subtracting from such tax preference item one-fifth of the net long-term capital gain deduction.

(c) Specific deduction. An amount which bears the same ratio to $5,000.00, or $2,500.00 in the case of a married individual filing a separate return, as his items of tax preference computed under subsection (b) of this section bear to his total Federal items of tax preference.

(d) (Deleted by amendment.) P. L. 1972, c. 12, section 3.

5. Section 44 of P. L. 1961, c. 32 (C. 54:8A–44) is amended to read as follows:

C. 54:8A-44 Persons required to make returns; filing.

44. (a) On or before the filing date prescribed in section 18 (C. 54:8A–18) of this act, an income tax return shall be made and filed by or for every individual having a gross income derived from

sources within his source state in excess of the sum of his personal exemptions allowed in section 10 (C. 54:8A–10) of this act, or having any items of tax preference derived from or connected with New Jersey sources in excess of the specific deduction provided in section 6.2(c) (C. 54:8A–6.2(c)).

(b) (1) If the Federal income tax liability of husband or wife is determined on a separate Federal return, their New Jersey income tax liabilities and returns shall be separate.

(2) If the Federal income tax liabilities of husband and wife (other than a husband and wife described in paragraph (3)) are determined on a joint Federal return, or if neither files a Federal return:

(A) They shall file a joint New Jersey income tax return, and their tax liabilities shall be joint and several, or

(B) They may elect to file separate New Jersey income tax returns on a single form if they comply with the requirements of the Division of Taxation in setting forth information, and in such event their tax liabilities shall be separate.

(3) If either husband or wife is a resident and the other is a nonresident, they shall file separate New Jersey income tax returns on such single or separate forms as may be required by the Division of Taxation, and in such event their tax liabilities shall be separate.

(4) Marital or other status. An individual's marital or other status under subsection 2(c) (C. 54:8A–2(c)), subsection 9(b) of P. L. 1961, c. 32 (C. 54:8A–9 (b)) and subsection 7(a)(3)(B) of this amendatory and supplementary act shall be presumed to be the same as his marital or other status for purposes of establishing the applicable Federal income tax rates. However, an individual who is a nonresident alien for Federal income tax purposes and who fails to qualify under subsection 2(c), or subsection 9(b) of P. L. 1961, c. 32 or subsection 7(a)(3)(B) of this amendatory and supplementary act solely by reason of his status for purposes of establishing the applicable Federal income tax rates shall, nevertheless, qualify under such provisions provided he files a statement with his return setting forth such information in respect to his status as the director shall prescribe.

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

(d) 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.

(e) 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.

(f) If the amount of net income or Federal items of tax preference for any year of any taxpayer as returned to the United States Treasury Department or to an appropriate State officer is changed or corrected by the taxpayer or the Commissioner of Internal Revenue or other officer of the United States or other competent authority, or where a renegotiation of a contract or subcontract with the United States results in a change in net income, or Federal items of tax preference such taxpayer shall report such change or corrected net income, or Federal items of tax preference or the results of such renegotiation, within 90 days after the final determination of such change or correction or renegotiation, or as required by regulation, and shall concede the accuracy of such determination or state wherein it is erroneous. Any taxpayer filing an amended return with such department or officer shall also file within 90 days thereafter an amended return in this State which shall contain such information as the regulations shall require.

C. 54:8A-6.4 Maximum tax rate on personal service income.

6. (New section) Maximum tax rate on personal service income. (a) If for any taxable year beginning in 1978 and thereafter an individual has personal service entire net income which exceeds the amount of entire net income specified in paragraph (1) of this subsection, the tax determined pursuant to subsection 6(c) of P. L. 1961, c. 32 (C. 54:8A–6(c)) for such year shall be the sum of:

(1) The tax determined by subsection 6(c) of P. L. 1961, c. 32 (C. 54:8A–6(c)) on the highest amount of entire net income on which the rate of tax does not exceed 12%,

(2) 12% of the amount by which his personal service entire net income exceeds the amount of entire net income specified in paragraph (1) of this subsection, and

(3) The excess of the tax determined under section 6(c) of P. L. 1961, c. 32 (C. 54:8A–6(c)), without regard to this section, over the tax so determined with reference solely to his personal service entire net income.

(b) For purposes of this section the term "Personal Service Income" means items of income includible as personal service

income for purposes of section 1348 of the Internal Revenue Code; provided, however, that notwithstanding the provisions of such section of the Internal Revenue Code to the contrary with respect to the filing of returns by married individuals, the provisions of this section of this act shall be applicable in the case of a husband and wife who file separate New Jersey tax returns (whether or not on a single form).

(c) The personal service entire net income of an individual is the excess of:

(1) The amount which bears the same ratio (but not in excess of 100%) to his entire net income as his personal service gross income bears to his entire gross income, over

(2) The sum of his items of tax preference, as defined in this act, for the taxable year.

For purposes of paragraph (1) of this subsection, the term "personal service gross income" means personal service income reduced by any deductions allowable under section 62 of the Internal Revenue Code which are properly allocable to or chargeable against such personal service income.

C. 54:8A-15.1 Household credit; definitions; credit for certain household and dependent care services necessary for gainful employment.

7. (New section) a. Household credit. (1) For taxable years beginning on and after January 1, 1978, a credit shall be allowed against the tax imposed by subsection 6(c) of P. L. 1961, c. 32 (C. 54:8A-6(c)). The credit, computed as described in paragraph (2) of this subsection, shall not exceed the tax imposed by subsection 6(c) of P. L. 1961, c. 32 (C. 54:8A-6(c)) for the taxable year, reduced by the credits permitted under subsection (b) of this section and section 16 P. L. 1961, c. 32 (C. 54:8A-16).

(2) The amount of the credit allowed pursuant to this subsection shall be determined in accordance with the following table:

If household gross income is	The credit shall be
Less than $5,000.00	$65.00
$5,000.00 but less than $6,000.00	$50.00
$6,000.00 but less than $7,000.00	$40.00
$7,000.00 but less than $25,000.00	$35.00

(3) For the purposes of this subsection:

(A) "Household gross income" shall mean the aggregate entire gross income of a household, as the term household is defined in subparagraph (B) of this paragraph, for the taxable

year, plus the aggregate entire minimum taxable income of that household.

(B) "Household" means a husband and wife, a head of a household, a surviving spouse, or an individual who is not married nor the head of a household nor a surviving spouse nor a taxpayer with respect to whom a deduction under subsection (e) of section 151 of the Internal Revenue Code is allowable to another taxpayer for the taxable year.

(C) "Household gross income of a husband and wife" shall be the aggregate of their entire gross incomes for the taxable year plus the aggregate of their entire minimum taxable incomes irrespective of whether joint or separate tax returns are filed. Provided, however, that a husband or wife filing a separate New Jersey tax return shall be permitted one-half of the credit otherwise allowed his or her household, except as limited by paragraph (1) of this subsection.

(D) "Household gross income" shall be computed in all cases to reflect the entire gross income from all sources of each member of the household for the entire taxable year.

(E) If a taxpayer changes his status during his taxable year from resident to nonresident, or from nonresident to resident, the household credit shall be prorated to reflect the period that the taxpayer was subject to tax under this act. In the case of a husband and wife, if either or both changes his or her status from resident to nonresident or from nonresident to resident and separate returns are filed, the credit computed for the entire year shall be divided first as provided in subparagraph (C) of this paragraph and then prorated according to each period that the taxpayer was subject to tax under this act.

b. Credit for certain household and dependent care services necessary for gainful employment.

(1) For taxable years beginning on and after January 1, 1977, a taxpayer shall be allowed a credit, to be computed as hereinafter provided, against the tax imposed by subsection 6(b) or 6(c) of P. L. 1961, c. 32 (C. 54:8A–6(b) or 6(c)) of this act. Except as provided below, the amount of the credit shall be 20% of the credit allowed such taxpayer pursuant to the provisions of section 44A of the Internal Revenue Code for the same taxable year. The amount of such credit shall not exceed the tax imposed by subsection 6(b) or 6(c) of P. L. 1961, c. 32 (C. 54:8A–6(b) or 6(c)), as may apply, of this act, for the taxable year, reduced by the credit permitted under section 16 of P. L. 1961, c. 32 (C. 54:8A–16).

(2) In the case of a husband and wife who file a joint Federal return, but who elect to determine their New Jersey taxes separately, the credit allowed pursuant to this subsection may only be applied against the tax imposed on the spouse with the lower entire net income computed without regard to such credit.

(3) Any taxpayer who is otherwise eligible to take the credit permitted by this subsection shall be permitted to take the full amount of such credit except that if (a) his gross income, as defined in section 7 of P. L. 1961, c. 32 (C. 54:8A–7), is exceeded by (b) his entire gross income by more than $100.00, his credit shall be limited to the amount which represents the same percentage of the total allowable credit which (a) is of (b).

For a husband and wife whose Federal taxable income is determined on a joint return but whose New Jersey entire net incomes are determined separately on a single form, the limitation contained in this subparagraph shall be determined by reference to (a) the total of their gross incomes as defined in section 7 of P. L. 1961, c. 32 (C. 54:8A–7) and (b) the joint entire gross income they would be required to report if both were determining their tax on their joint entire gross income.

8. This act shall take effect immediately.

Approved October 18, 1978.

CHAPTER 132

AN ACT to amend "An act concerning emergency medical services, supplementing Title 26 of the Revised Statutes, and making an appropriation therefor," approved October 16, 1973 (P. L. 1973, c. 229).

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

1. Section 2 of P. L. 1973, c. 229 (C. 26:2K–2) is amended to read as follows:

C. 26:2K-2 Approval to conduct pilot program.

2. Any hospital having an accredited coronary care unit may apply to the State Department of Health for approval to conduct a pilot program in emergency mobile intensive care procedures and emergency rescue acts in cooperation with voluntary health

agencies including, but not limited to, the American Heart Association (New Jersey affiliate) and first aid, rescue or emergency squads under regulations promulgated by the commissioner. Whenever a pilot program is approved by the department, it shall utilize mobile intensive care paramedics under the direction of a physician specializing in cardiology or internal medicine who is associated with a hospital certified to participate in this program by the commissioner. No project herein authorized shall extend beyond June 30, 1979. The commissioner shall report to the Legislature on or before January 15 of each year evaluating the effectiveness of every project herein authorized.

2. This act shall take effect immediately.

Approved October 19, 1978.

CHAPTER 133

AN ACT concerning State purchases and amending P. L. 1954, c. 48.

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

1. Section 7 of P. L. 1954, c. 48 (C. 52:34–12) is amended to read as follows:

C. 52:34-12 Advertising requirements.

7. Whenever advertising is required: (a) specifications and invitations for bids shall permit such full and free competition as is consistent with the procurement of supplies and services necessary to meet the requirements of the using agency and shall, wherever practicable, include such factors as life-cycle costs, sliding percentage preference scales, or other similar analysis as shall be deemed effective by the Director of the Division of Purchase and Property; (b) the advertisement for bids shall be in such newspaper or newspapers selected by the State Treasurer as will best give notice thereof to bidders and shall be sufficiently in advance of the purchase or contract to promote competitive bidding; (c) the advertisement shall designate the time and place when and where sealed proposals shall be received and publicly opened and read, the amount of the cash or certified check, if any, which must accompany each bid, and such other terms as the State Treasurer may deem proper; (d) award shall be made with reasonable

promptness by written notice to that responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the State, price and other factors considered. Any or all bids may be rejected when the State Treasurer or the Director of the Division of Purchase and Property determines that it is in the public interest so to do.

2. This act shall take effect immediately.

Approved October 20, 1978.

CHAPTER 134

AN ACT concerning the taking of edible crabs and eels from Delaware bay and its tributaries, and amending R. S. 50:3–18 and R. S. 23:9–55.

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

1. R. S. 50:3–18 is amended to read as follows:

Issuance of licenses.

50:3–18. The Division of Fish, Game and Shellfisheries may grant licenses, under such rules and regulations as it may establish, to catch and take edible crabs from the waters of the Delaware bay and its tributaries in this State, by means of layout lines, crabpots or trawl lines; but such licenses shall be granted only to persons who are residents of this State, or of any other state bordering on Delaware bay or its tributaries, if any such other State grants to New Jersey residents the privilege of obtaining licenses to take such crabs in the waters of Delaware bay and its tributaries within the area of its jurisdiction.

2. R. S. 23:9–55 is amended to read as follows:

Nonresident fishing in Delaware bay; penalty; forfeiture of appliances.

R. S. 23:9–55. No nonresident of this state shall take or attempt to take any fish, other than eels, by means of a net of any character or by any device or contrivance, except with rod, hook and line or hand lines in the waters of the Delaware bay within the jurisdiction of this State, under a penalty of $500.00 for each offense, together with the forfeiture of all nets, boats and other appliances used.

3. This act shall take effect immediately.

Approved October 20, 1978.

CHAPTER 135

AN ACT concerning public holidays for State employees and regulating the transaction of business in the public offices of the State government.

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

C. 36:1-1.2 Transaction of business on holidays.

1. Whenever any legal holiday enumerated in R. S. 36:1–1 other than Saturday can and shall fall on a Saturday, the preceding Friday shall be deemed to be said holiday for State employees, and the public offices of the State government shall be closed for the transaction of business.

2. This act shall take effect immediately.

Approved October 27, 1978.

CHAPTER 136

AN ACT concerning education amending section 28 of P. L. 1975, c. 212, (C. 18A:7A–28), sections 18A:10–3, 18A:12–15, 18A:13–10, 18A:13–19, 18A:14–2, 18A:22–1, 18A:22–7, 18A:22–10, 18A:22–14, 18A:22–26, 18A:22–32, 18A:22–33, 18A:22–37, 18A:22–43, 18A:54–25 and 18A:54–29 of the New Jersey Statutes section 12 of P. L. 1971, c. 271 (C. 18A:46–40), section 13 of P. L. 1971, c. 271 (C. 18A:46–41) and section 7 of P. L. 1977, c. 30 (C. 18A:54–16.1), sections 54:4–45, 54:4–52, 54:4–55, and 54:4–64 of the Revised Statutes, and amending sections 40A:4–14, 40A:14–18 and 40A:4–40 of the New Jersey Statutes and supplementing Title 18A of the New Jersey Statutes.

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

1. (New section) Notwithstanding the provisions of section 27 of P. L. 1975, c. 212 (C. 18A:7A–27), for the years 1978 and 1979, the commissioner shall, on or before December 1, determine the amount

necessary to be appropriated by the State to carry out the provisions of P. L. 1975, c. 212 for the succeeding school year and shall determine for local budget purposes the amounts payable to each of the counties and districts under said P. L. 1975, c. 212 for such succeeding year.

2. Section 28 of P. L. 1975, c. 212 (C. 18A:7A–28) is amended to read as follows:

C. 18A:7A-28 Proposed budgets for next school year of local boards; annual submission; review by commissioner.

28. Annually, on or before January 15, local boards of education shall submit to the commissioner a copy of their proposed budgets for the next school year. The commissioner shall review each item of appropriation within the current expense and budgeted capital outlay budgets and shall determine the adequacy of the budgets with regard to the annual reports submitted pursuant to section 11 of this act.

3. N. J. S. 18A:13–10 is amended to read as follows:

Election of board members; terms.

18A:13–10. The board of education of each regional district shall provide for the holding of an annual school election for the regional district on the first Tuesday in April.

At such election there shall be elected for terms of 3 years, beginning on the first Monday following such election, the members of the regional boards of education, to succeed those members of the board whose terms shall expire in that year, except as is in this chapter provided for the election of the first elected members of the board.

4. N. J. S. 18A:13–19 is amended to read as follows:

Items rejected at annual election; certification.

18A:13–19. If the voters reject any of the items submitted at the annual election, the board of education of the regional district shall certify to the governing body of each municipality, included within the regional district, the item or items so rejected, and such governing bodies, after consultation with the board, shall within 14 days after the receipt of the certificate, determine the amount or amounts which they deem necessary to provide a thorough and efficient system of schools in the regional district for the ensuing school year and cause the same to be certified by the respective municipal clerks to the board of education of the regional district.

5. N. J. S. 18A:14–2 is amended to read as follows:

Annual school elections; time of holding.

18A:14–2. An annual school election shall be held in each type II local district, on the first Tuesday in April. Whenever such date falls on a legal holiday the election shall be held on the following day.

6. N. J. S. 18A:22–1 is amended to read as follows:

Membership; appointments; vacancies.

18A:22–1. There shall be in each type I district a board of school estimate, which shall consist of two members of the board of education appointed by it, two members of the governing body of the municipality appointed by it, and the mayor or other chief executive officer of the municipality or if there be no chief executive officer then an additional member appointed by the governing body. Appointments shall be made annually in December, and vacancies shall be filled immediately by appointment as the original appointments were made for the unexpired terms.

7. N. J. S. 18A:22–7 is amended to read as follows:

Budgets; preparation.

18A:22–7. The board of education of every school district having a board of school estimate shall prepare and deliver to each member of the board of school estimate, on or before the first Tuesday in March in each year, and the board of education of every other school district shall prepare a budget for the school district for the ensuing year, in districts other than regional districts, on or before the first Tuesday in March.

8. N. J. S. 18A:22–10 is amended to read as follows:

Date, place and time for holding public hearing.

18A:22–10. Upon the preparation of its budget, each board of education shall fix a date, place and time for the holding of a public hearing upon said budget and the amounts of money necessary to be appropriated for the use of the public schools for the ensuing school year and the various items and purposes for which the same are to be appropriated, which hearing in districts having a board of school estimate, shall be held before said board of school estimate between the first Tuesday in March and March 18 and in districts having no board of school estimate shall be held before the board of education between the first Tuesday in March and March 18.

9. N. J. S. 18A:22–14 is amended to read as follows:

Fixing and determining appropriations; notice of appeal.

18A:22–14. At or after said public hearing but not later than on March 28, the board of school estimate of a type I district shall fix and determine by official action taken at a public meeting of the board the amount of money necessary to be appropriated for the use of the public schools in the district for the ensuing school year, exclusive of the amount which shall have been apportioned to it by the commissioner, and shall make two certificates of such amount signed by at least three members of the board, one of which shall be delivered to the board of education and the other to the governing body of the district.

Within 20 days after receiving such certificate the board of education shall notify the board of school estimate and governing body of the district if it intends to appeal to the commissioner the board of school estimate's determination as to the amount of money necessary to be appropriated for the use of the public schools of the district for the ensuing school year.

10. N. J. S. 18A:22–26 is amended to read as follows:

Type II districts with board of school estimate; fixing and determining appropriations to be made; notice of intent to appeal amount of appropriation.

18A:22–26. At or after said public hearing but not later than on March 18, the board of school estimate of a type II district having a board of school estimate shall fix and determine by a recorded roll call majority vote of its full membership the amount of money necessary to be appropriated for the use of the public schools in such district for the ensuing school year, exclusive of the amount which shall be apportioned to it by the commissioner for said year and shall make a certificate of such amount signed by at least a majority of all members of such board, which shall be delivered to the board of education and a copy thereof, certified under oath to be correct and true by the secretary of the board of school estimate, shall be delivered to the county board of taxation on or before March 25 in each year and a duplicate of such certificate shall be delivered to the board or governing body of each of the municipalities within the territorial limits of the district having the power to make appropriations of money raised by taxation in the municipalities or political subdivisions and to the county superintendent of schools and such amount shall be assessed, levied and raised under the procedure and in the manner provided by law for the levying and raising of special school taxes voted to be raised at an annual or special election of the legal voters in type II districts

and shall be paid to the custodian of school moneys of the district for such purposes.

Within 20 days after receiving such certificate the board of education shall notify the board of school estimate and governing body of each municipality within the territorial limits of the school district if it intends to appeal to the commissioner the board of school estimate's determination as to the amount of money necessary to be appropriated for the use of the public schools of the district for the ensuing school year.

11. N. J. S. 18A:22-32 is amended to read as follows:

Type II districts without board of school estimate; fixing and determining appropriations to be made.

18A:22-32. At or after the public hearing on the budget but not later than 12 days prior to the election, the board of education of each type II district having no board of school estimate shall fix and determine by a recorded roll call majority vote of its full membership the amount of money to be voted upon by the legal voters of the district at the annual election, which sum or sums shall be designated in the notice calling such election as required by law.

12. N. J. S. 18A:22-33 is amended to read as follows:

Budget; submission to voters; authorization of tax.

18A:22-33. The board of education of each type II district not having a board of school estimate shall, at each annual school election, submit to the voters of the district, the amounts of money fixed and determined in its budget, excluding therefrom the sum or sums stated therein to be used for interest and debt redemption charges, in the manner provided by law, to be voted upon for the use of the public schools of the district for the ensuing school year, which amounts shall be stated in the notice of the election, and the legal voters of the district shall determine at such election, by a majority vote of those voting upon the proposition, the sum or sums, not exceeding those stated in the notice of the election, to be raised by special district tax for said purposes, in the district during the ensuing school year and the secretary of the board of education shall certify the amounts so determined upon, if any, and the sums so stated for interest and debt redemption charges, to the county board of taxation of the county within 2 days following the date of the election and the amount or amounts so certified shall be included in the taxes assessed, levied and collected in the municipality or municipalities comprising the district for such purposes.

13. N. J. S. 18A:22–37 is amended to read as follows:

Rejection by voters of items submitted at annual school election; notice of intent to appeal.

18A:22–37. If the voters reject any of the items submitted at the annual school election, the board of education shall deliver the proposed school budget to the governing body of the municipality, or of each of the municipalities included in the district within 2 days thereafter. The governing body of the municipality, or of each of the municipalities, included in the district shall, after consultation with the board, and by April 18, determine the amount which, in the judgment of said body or bodies, is necessary to be appropriated, for each item appearing in such budget, to provide a thorough and efficient system of schools in the district, and certify to the county board of taxation the totals of the amount so determined to be necessary for each of the following:

a. Current expenses of schools;

b. Vocational evening schools or classes;

c. Evening schools or classes for foreign-born residents;

d. Appropriations to capital reserve fund; or

e. Any capital project, the cost whereof is to be paid directly from taxes; which amounts shall be included in the taxes to be assessed, levied and collected in such municipality or municipalities for such purposes.

Within 20 days after the governing body of the municipality or of each of the municipalities included in the district shall make such certification to the county board of taxation, the board of education shall notify such governing body or bodies if it intends to appeal to the commissioner the amounts which said body or bodies determined to be necessary to be appropriated for each item appearing in the proposed school budget.

14. N. J. S. 18A:22–43 is amended to read as follows:

Amount certified.

18A:22–43. If any such certificate shall be delivered to the county board of taxation in any year, the amount so certified shall be raised, levied and collected by taxes in the next year.

15. Section 12 of P. L. 1971, c. 271 (C. 18A:46–40) is amended to read as follows:

C. 18A:46-40 Itemized statement of current expenses.

12. On or before March 25 in each year the board of education of a county special services school district shall prepare and deliver to each member of the board of school estimate an itemized state-

ment of the amount of money estimated to be necessary for the current expenses of and for repairing and furnishing schools or building of the county special services school district for the ensuing school year.

16. Section 13 of P. L. 1971, c. 271 (C. 18A:46-41) is amended to read as follows:

C. 18A:46-41 Appropriation for current expenses.

13. a. Between March 25 and April 8 in 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 to be appropriated for the use of the county special services school district for the ensuing school year exclusive of the amount to be received from the State as provided in section 16 of this act.

b. The board of school estimate shall, on or before the last named date, make two certificates of the amount, signed by at least three of its members, one of which certificate shall be delivered to the board of education of the county special services school district and the other to the board of chosen freeholders of the county.

c. The board of chosen freeholders shall, upon receipt of the certificate, appropriate, in the same manner as other appropriations are made by it, the amount so certified, and the amount shall be assessed, levied, and collected in the same manner as moneys appropriated for other purposes in the county are assessed, levied, and collected, unless such amount is to be raised as otherwise hereinafter provided in this act.

17. Section 7 of P. L. 1977, c. 30 (C. 18A:54-16.7) is amended to read as follows:

C. 18A:54-16.7 Annual school elections.

7. All school districts in such counties shall hold their annual school elections on the first Tuesday in April.

18. N. J. S. 18A:54-28 is amended to read as follows:

Estimate by board of education.

On or before March 25 in each year the board of education of a county vocational school district 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 current expenses of and for repairing and furnishing schools or buildings of the county vocational school district for the ensuing school year.

19. N. J. S. 18A:54-29 is amended to read as follows:

Fixing and determining amounts necessary to be raised.

Between March 25 and April 8 in each year the board of school estimate shall fix and determine by action taken at a public meeting of the board the amount of money necessary to be appropriated for the use of the county vocational school district for the ensuing school year exclusive of the amount to be received from the State as provided in section 18A:54–32.

20. R. S. 54:4–52 is amended to read as follows:

Table of aggregates; preparation.

54:4–52. The county board of taxation shall, on or before May 3, 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;

(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.

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 commissioner. The forms for following out tables of aggregates shall be prescribed by the commissioner 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 3 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 clerk of the board of freeholders, and the clerk of each municipality in the county.

21. R. S. 54:4–55 is amended to read as follows:

Corrected, revised and completed duplicates returned to taxing districts; tax lists remain of record.

54:4–55. The county board of taxation shall, on or before May 13 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.

22. R. S. 54:4–64 is amended to read as follows:

Delivery of tax bills.

54:4–64. As soon as the tax duplicate is delivered to the collector of the taxing district, as provided in section 54:4–55 of this Title, 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 at least 47 days before the third installment of taxes falls due. He shall also, at least 2 months before the first installment of taxes for the 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 hereinafter provided at one-half of the complete tax last previously levied. 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 upon 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.

23. R. S. 54:4–45 is amended to read as follows:

Certified statement of amount of moneys appropriated for school purposes.

54:4–45. The clerk or other proper officer of each school district in which the annual appropriations for school purposes to be

raised by taxation, are voted by the inhabitants of the school district, shall, on or before April 18 in each year, transmit to the county board of taxation a certified statement of the amount of moneys appropriated for school purposes, which shall include interest to be paid, principal payments of indebtedness, and sinking fund requirements for the school year for which such appropriations are made, to be raised by taxation in the school district.

24. N. J. S. 40A:4–14 is amended to read as follows:

School items; separate certification.

40A:4–14. School items; separate certification. In making the certifications of the budget for transmission to the county board, the amount to be raised by taxes for school purposes by a municipality shall be separately stated and

a. In municipalities in which the amount to be raised by taxes for school purposes is required to be certified to the governing body for inclusion in its budget, there shall be deducted from the "municipal tax levy":

(1) The amount appropriated for debt service after first deducting therefrom the amount of the State school building aid, if any; and

(2) The amount of any emergency appropriation for school purposes certified to the municipality and approved by the governing body thereof;

(3) The amount appropriated for school capital improvements for land, buildings and equipment.

b. In all other municipalities, there shall be deducted from the municipal tax levy any appropriations for school purposes required.

Said items shall be added by the county board to the amounts to be raised by taxation for school purposes.

In making the certifications of the budget for transmission to the county board, the amount to be raised by taxes for school purposes shall be based upon the proposed budget submitted by the local board of education to the commissioner pursuant to section 28 of P. L. 1975, c. 212 (C. 18A:7A–28.)

25. N. J. S. 40A:4–18 is amended to read as follows:

Table of aggregates for late budgets.

40A:4–18. Table of aggregates for late budgets. Upon receipt of the director's certificate and, in any event, on or before May 3 of the fiscal year, 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.

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 April 10, the said board may substitute the adopted budget in the place of the amount certified by the director, but no such substitutions shall be made after April 10 of the fiscal year.

26. N. J. S. 40A:4–40 is amended to read as follows:

Reserve for uncollected taxes; appropriation.

40A:4–40. Reserve for uncollected taxes; appropriation. There shall be included in each budget an appropriation for "reserve for uncollected taxes" sufficient in amount so that the anticipated cash receipts for the fiscal year shall at least equal the sum of the following items, each of which is hereinafter referred to as a "lawful yearly expenditure":

a. The total of all current budget appropriations (except for reserve for uncollected taxes);

b. The amounts due or to become due for school, county, State, local and special district taxes prior to the end of the fiscal year; and

c. The amounts of any other anticipated current expenditures for the fiscal year.

In the event that the exact amount of any such lawful yearly expenditure shall not be known at the time of the adoption of the budget, the amount thereof shall be estimated, but no such estimate shall be less than the amount of such lawful yearly expenditure for the next preceding fiscal year; provided, however, that in the case of the amount due or to become due for school taxes prior to the end of the fiscal year the lawful yearly expenditure shall be based upon the proposed budget submitted by the local board of education to the commissioner pursuant to section 28 of P. L. 1975, c. 212 (C. 18A:7A–28).

The governing body may, by resolution, adopted on or before April 18 of the fiscal year adjust the appropriation for "reserve for uncollected taxes" by increasing or decreasing, as appropriate, that portion of such appropriation which is based upon the amount due or to be due for school taxes in order to accord that portion of such appropriation with such amount as set forth in the school budget to be certified to the county board of taxation. A copy of such resolution shall be forthwith transmitted to the director, who

shall review the change set forth therein as to its accuracy and appropriateness and may adjust the amount of such change as he shall deem appropriate. The director shall, prior to May 1, certify to the county board of taxation the amount of change in the amount to be raised by taxes to support the municipal budget resulting from any change in the amount of the appropriation for "reserve for uncollected taxes" permitted pursuant to this section.

27. N. J. S. 18A:10–3 is amended to read as follows:

Annual regular meeting of board.

18A:10–3. Each board of education shall organize annually at a regular meeting held not later than at 8 p.m. at which time newly elected members shall take office.

a. In type I districts on May 16, or on the following day if that day be Sunday;

b. In all type II districts on any day of the first week commencing on the first Monday following May 15.

If the organization meeting cannot take place on that day by reason of lack of a quorum or for any other reason, said meeting shall be held within 3 days thereafter.

28. N. J. S. 18A:12–15 is amended to read as follows:

Vacancies.

18A:12–15. Vacancies in the membership of the board shall be filled as follows:

a. By the county superintendent, if the vacancy is caused by the absence of candidates for election to the school board or by the removal of a member because of lack of qualifications, or is not filled within 65 days following its occurrence:

b. By the county superintendent, to a number sufficient to make up a quorum of the board if, by reason of vacancies, a quorum is lacking;

c. By special election, if in the annual school election two or more candidates qualified by law for membership on the school board receive an equal number of votes. Such special election shall be held only upon recount and certification by the commissioner of such election result, shall be restricted to such candidates, shall be held within 60 days of the annual school election, and shall be conducted in accordance with procedures for annual and special school elections set forth in chapter 14 of Title 18A of the New Jersey Statutes. The vacancy shall be filled by the county superintendent if in such special election two or more candidates quali-

fied by law for membership on the school board receive an equal number of votes;

d. By special election if there is a failure to elect a member at the annual school election due to improper election procedures. Such special election shall be restricted to those persons who were candidates at such annual school election, shall be held within 60 days of such annual school election, and shall be conducted in accordance with the procedures for annual and special school elections set forth in chapter 14 of Title 18A of the New Jersey Statutes;

e. By the commissioner if there is a failure to elect a member at the annual school election due to improper campaign practices; or

f. By the board in all other cases.

Each member so appointed shall serve until the organizational meeting following the next annual election unless he is appointed to fill a vacancy occurring within the 60 days immediately preceding such election to fill a term extending beyond such election, in which case he shall serve until the organizational meeting following the second annual election next succeeding the occurrence of the vacancy, and any vacancy for the remainder of the term shall be filled at the annual election or the second annual election next succeeding the occurrence of the vacancy as the case may be.

29. This act shall take effect immediately.

Approved October 30, 1978.

CHAPTER 137

AN ACT to amend the "Law Against Discrimination," approved April 16, 1945 (P. L. 1945, c. 169), to amend the title of "An act concerning unlawful discrimination against physically handicapped persons and amending and supplementing the 'Law Against Discrimination,' approved April 16, 1945 (P. L. 1945, c. 169)," approved August 1, 1972 (P. L. 1972, c. 114), so that the same shall read "An act concerning unlawful discrimination against handicapped persons and amending and supplementing the 'Law Against Discrimination,' approved April 16, 1945 (P. L. 1945, c. 169)," and to amend the body of said act.

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

Title amended.

1. The title of P. L. 1972, c. 114 is amended to read as follows:

An act concerning unlawful discrimination against handicapped persons and amending and supplementing the "Law Against Discrimination," approved April 16, 1945 (P. L. 1945, c. 169).

2. Section 2 of P. L. 1972, c. 114 (C. 10:5–4.1) is amended to read as follows:

C. 10:5-4.1 Construction of act.

All of the provisions of the act to which this act is a supplement shall be construed to prohibit any unlawful discrimination against any person because such person is or has been at any time handicapped or any unlawful employment practice against such person, unless the nature and extent of the handicap reasonably precludes the performance of the particular employment.

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

C. 10:5-5 Definitions.

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

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

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

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

d. "Unlawful employment practice" and "unlawful discrimination" includes only those unlawful practices and acts specified in section 11 of this act.

e. "Employer" includes all persons as defined in subsection a. of this section unless otherwise specifically exempt under another section of this act, and includes the State, any political or civil subdivision thereof, and all public officers, agencies, boards or bodies.

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

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

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

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

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

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

l. "A place of public accommodation" shall include, but not be limited to: any tavern, roadhouse, hotel, motel, trailer camp, summer camp, day camp, or resort camp, whether for entertainment of transient guests or accommodation of those seeking health, recreation or rest; any producer, manufacturer, wholesaler, distributor, retail shop, store, establishment, or concession dealing with goods or services of any kind; any restaurant, eating house, or place where food is sold for consumption on the premises; any place maintained for the sale of ice cream, ice and fruit preparations or their derivatives, soda water or confections, or where any beverages of any kind are retailed for consumption on the premises; any garage, any public conveyance operated on land or water, or in the air, any stations and terminals thereof; any bathhouse, boardwalk, or seashore accommodation; any auditorium, meeting place, or hall; any theatre, motion-picture house, music hall, roof garden, skating rink, swimming pool, amusement and recreation park, fair, bowling alley, gymnasium, shooting gallery, billiard and pool parlor, or other place of amusement; any comfort station; any dispensary, clinic or hospital; any public library; any kindergarten, primary and secondary school, trade or business school, high school, academy, college and university, or any educational institution under the supervision of the State Board of Education, or the Commissioner of Education of the State of New Jersey. Nothing herein contained shall be construed to include or to apply to any institution, bona fide club, or place of accommodation, which is in its

nature distinctly private; nor shall anything herein contained apply to any educational facility operated or maintained by a bona fide religious or sectarian institution, and the right of a natural parent or one in loco parentis to direct the education and upbringing of a child under his control is hereby affirmed; nor shall anything herein contained be construed to bar any private secondary or post-secondary school from using in good faith criteria other than race, creed, color, national origin or ancestry, in the admission of students.

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

n. The term "real property" includes real estate, lands, tenements and hereditaments, corporeal, and incorporeal, and leaseholds, provided however, that, except as to publicly assisted housing accommodations, the provisions of this act shall not apply to the rental: (1) of a single apartment or flat in a two-family dwelling, the other occupancy unit of which is occupied by the owner as his residence or the household of his family at the time of such rental; or (2) of a room or rooms to another person or persons by the owner or occupant of a one-family dwelling occupied by him as his residence or the household of his family at the time of such rental. Nothing herein contained shall be construed to bar any religious or denominational institution or organization, or any organization operated for charitable or educational purposes, which is operated, supervised or controlled by or in connection with a religious organization, in the sale, lease or rental of real property, from limiting admission to or giving preference to persons of the same religion or denomination or from making such selection as is calculated by such organization to promote the religious principles for which it is established or maintained.

o. "Real estate broker" includes a person, firm or corporation who, for a fee, commission or other valuable consideration, or by reason of promise or reasonable expectation thereof, lists for sale, sells, exchanges, buys or rents, or offers or attempts to negotiate a sale, exchange, purchase, or rental of real estate or an interest therein, or collects or offers or attempts to collect rent for the use

of real estate, or solicits for prospective purchasers or assists or directs in the procuring of prospects or the negotiation or closing of any transaction which does or is contemplated to result in the sale, exchange, leasing, renting or auctioning of any real estate, or negotiates, or offers or attempts or agrees to negotiate a loan secured or to be secured by mortgage or other encumbrance upon or transfer of any real estate for others; or any person who, for pecuniary gain or expectation of pecuniary gain conducts a public or private competitive sale of lands or any interest in lands. In the sale of lots, the term "real estate broker" shall also include any person, partnership, association or corporation employed by or on behalf of the owner or owners of lots or other parcels of real estate, at a stated salary, or upon a commission, or upon a salary and commission, or otherwise, to sell such real estate, or any parts thereof, in lots or other parcels, and who shall sell or exchange, or offer or attempt or agree to negotiate the sale or exchange, of any such lot or parcel of real estate.

p. "Real estate salesman" includes any person who, for compensation, valuable consideration or commission, or other thing of value, or by reason of a promise or reasonable expectation thereof, is employed by and operates under the supervision of a licensed real estate broker to sell or offer to sell, buy or offer to buy or negotiate the purchase, sale or exchange of real estate, or offers or attempts to negotiate a loan secured or to be secured by a mortgage or other encumbrance upon or transfer of real estate, or to lease or rent, or offer to lease or rent any real estate for others, or to collect rents for the use of real estate, or to solicit for prospective purchasers or lessees of real estate, or who is employed by a licensed real estate broker to sell or offer to sell lots or other parcels of real estate, at a stated salary, or upon a commission, or upon a salary and commission, or otherwise to sell real estate, or any parts thereof, in lots or other parcels.

q. "Handicapped" means suffering from physical disability, infirmity, malformation or disfigurement which is caused by bodily injury, birth defect or illness including epilepsy, and which shall include, but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment or physical reliance on a seeing eye dog, wheelchair, or other remedial appliance or device, or from any mental, psychological or developmental disability resulting from anatomical, psychological, physiological or neurological conditions which prevents the normal

exercise of any bodily or mental functions or is demonstrable, medically or psychologically, by accepted clinical or laboratory diagnostic techniques.

4. This act shall take effect immediately.

Approved November 2, 1978.

CHAPTER 138

AN ACT appropriating funds from the Medical Education Facilities Fund for the purpose of construction of medical education facilities.

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

1. There is hereby appropriated to the Department of Higher Education, from the Medical Education Facilities Fund created pursuant to the "New Jersey Medical Education Facilities Bond Act of 1977" (P. L. 1977, c. 235), the sum of $2,158,000.00 for the purpose of constructing supplemental medical education and treatment facilities for the new College Hospital at the Newark campus of the College of Medicine and Dentistry of New Jersey (CMDNJ).

2. The appropriation made pursuant to this act shall be subject to the provisions of P. L. 1977, c. 235.

3. This act shall take effect immediately.

Approved November 2, 1978.

CHAPTER 139

AN ACT concerning grounds for evicting tenants and lessees of certain residential property in certain municipalities.

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

C. 2A:18-61.13 Legislature's findings.

1. The Legislature finds, as a result of the "Casino Control Act" (P. L. 1977, c. 110, C. 5:12–1 et seq.) and the introduction of legalized casino gaming in Atlantic City, that:

a. Additional investment capital has been attracted to Atlantic City and hotels, tourist and entertainment facilities and other properties are being refurbished and expanded;

b. There has been a substantial increase in the value of land and buildings in Atlantic City;

c. Many landlords in Atlantic City are converting or demolishing residential apartments so that they can make more profitable use of their property as a hotel, motel, vacation licensing facility, guest house or other use directly or indirectly related to casino gaming and tourism;

d. Such conversion is forcing the displacement of a large number of residential tenants, many of whom are either senior citizens or persons of low and moderate income;

e. There is an acute housing shortage in Atlantic City and in nearby municipalities, and the massive displacement of tenants through conversions or demolitions will make it impossible for displaced tenants to find decent housing at a price they can afford;

f. Although new housing in Atlantic City is being planned to relieve the housing crisis, it will be at least several years before this housing can be produced;

g. The displacement of such tenants without any relocation assistance will force many of them into substandard housing, which does not meet the minimum standards of safety and sanitation, will encourage overcrowding and the blighting of residential neighborhoods in Atlantic City and constitutes a serious threat to the public health, welfare and safety;

h. Landlords seeking to take advantage of the windfall increase in the value of their property caused by the enactment of the "Casino Control Act," and to convert their property to a more profitable use than rental housing have a duty to provide relocation assistance or compensation to the tenants they are displacing;

i. In order to protect the public health, safety and welfare, no such tenant after the date this act takes effect shall be evicted unless he has been provided adequate relocation assistance and compensation or either thereof.

C. 2A:18-61.14 Notice requirement; contents of notice; second notice.

2. Notwithstanding the provisions of section 3 of P. L. 1974, c. 49 (C. 2A:18–61.2) to the contrary, in any municipality in which casino gaming is authorized, 1 year's notice shall be required prior to the institution of an action alleging permanent retirement under subsection h. of section 2 of P. L. 1974, c. 49 (C. 2A:18–61.1) with respect to a tenant who is a permanent domiciliary in such

municipality; provided, that where there is a written lease in effect no action shall be instituted until the lease expires. The notice shall provide the tenant with the information required by section 6 of this act. In the event that a landlord chooses one of the relocation alternatives authorized by section 4 of this act, he shall send a second notice in accordance with the requirements of section 4 of this act at least 6 months prior to the institution of an action for possession.

C. 2A:18-61.15 Landlord seeking to remove tenant; offer of rental of comparable housing.

3. A landlord seeking to remove a tenant who is a permanent domiciliary under subsection h. of section 2 of P. L. 1974, c. 49 (C. 2A:18–61.1) in such municipality shall offer to the tenant, personally or through an agent, the rental of comparable housing as defined in section 4 of P. L. 1975, c. 311 (C. 2A:18–61.7) in such municipality or within 10 miles thereof and a reasonable opportunity to examine and rent such comparable housing.

C. 2A:18-61.16 Alternatives to relocation; notification to tenant.

4. If the landlord is unable to provide the tenant relocation into comparable rental housing because of the housing shortage, he may as an alternative to relocation:

a. Pay the tenant an amount equal to 5 months' rent; or

b. Allow the tenant to remain in the unit for an additional 5 months beyond the notice period during which time the payment of rent shall be waived. The landlord may utilize this alternative only if he maintains the premises in substantially the same condition as they were prior to the sending of the notice to deliver possession.

If the landlord chooses to exercise either of these alternatives to relocation, he shall notify the tenant in writing of the alternative that has been chosen at least 6 months prior to the institution of an action for possession. In the event that the landlord chooses the alternative pursuant to subsection a. of this section, payment to the tenant of the specified amount shall accompany the notice.

C. 2A:18-61.17 Judgment for possession; when entered.

5. In an action brought under subsection h. of section 2 of P. L. 1974, c. 49 (C. 2A:18–61.1) with respect to any premises located in a municipality in which casino gaming is authorized, no judgment for possession shall be entered unless the owner proves that the tenant was given such notice as is required by section 2 hereof and that:

a. The tenant was given such second notice as is provided by section 4 hereof and was offered the opportunity to rent comparable housing;

b. The tenant was paid an amount equal to 5 months' rent in accordance with the provisions of subsection a. of section 4 of this act;

c. The tenant was allowed to remain an additional 5 months beyond the notice period during which the rent was waived in accordance with the provisions of subsection b. of section 4 of this act; or

d. Thirty-six months have elapsed since the notice for delivery of possession of the premises was served and the landlord has been unable to offer the tenant the opportunity to rent comparable housing.

C. 2A:18-61.18 Notice for delivery of possession; contents.

6. Any notice for delivery of possession under subsection h. of section 2 of P. L. 1974, c. 49 (C. 2A:18–61.1) issued in accordance with section 2 of this act shall inform the tenant of the following:

a. That the landlord has a duty to offer to the tenant the rental of comparable housing;

b. That if the landlord is unable to provide relocation housing, he may as an alternative to relocation: (1) pay the tenant an amount equal to 5 months' rent; or, (2) allow the tenant to remain in the unit for an additional 5 months beyond the notice period during which time the payment of rent shall be waived. If the landlord chooses either alternative, he shall additionally notify the tenant of such choice at least 6 months prior to the institution of an action for possession. In the event the landlord chooses the alternative pursuant to (1) of this subsection, payment to the tenant of the specified amount shall accompany the notice.

c. No tenant shall be evicted unless: (1) the tenant was offered the opportunity to rent comparable housing; (2) the tenant was paid an amount equal to 5 months' rent; (3) the tenant was allowed to remain in the unit for an additional 5 months beyond the notice period during which time the payment of rental shall be waived; or, (4) 36 months have elapsed and the landlord is unable to offer the tenant the opportunity to rent comparable housing.

C. 2A:18-61.19 Construction of act.

7. This act shall be liberally construed to effectuate the legislative purpose of the act.

C. 2A:18-61.20 Applicability of provisions of P. L. 1974, c. 49 and P. L. 1975, C. 311.

8. Except as otherwise provided herein, the provisions of P. L. 1974, c. 49 (C. 2A:18–61.1 et seq.) and P. L. 1975, c. 311 (C. 2A:18–61.6 et seq.) shall be applicable to this act.

C. 2A:18-61.21 Partial invalidity.

9. If any provision of this act or the application thereof to any person or circumstances shall be held to be invalid, such holding shall not affect, impair or invalidate the remainder of this act or the application of such portion held invalid to any other person or circumstances, but shall be confined in its operation to the provision directly involved in such holding or to the person or circumstance therein involved.

10. This act shall take effect immediately, be retroactive to September 1, 1978 and shall expire on the earlier of the following dates: (a) 3 years from the day this act takes effect; or, (b) 30 days after the Commissioner of the Department of Community Affairs declares that a special housing state of emergency no longer exists in municipalities in which casino gaming is authorized. The obligations and responsibilities created in this act shall remain in full force and effect, however, with respect to any premises for which a 1 year notice of permanent retirement was served prior to the expiration date of this act.

Approved November 3, 1978.

CHAPTER 140

AN ACT concerning annual salaries in the Executive Branch, and amending P. L. 1977, c. 146.

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

1. Section 5.2 of P. L. 1977, c. 146 (C. 52:27 F–7) is amended to read as follows:

C. 52:27F-7 Division of Energy Planning and Conservation; director; salary.

5.2 a. There is hereby established in the department the Division of Energy Planning and Conservation.

b. The Division of Energy Planning and Conservation shall be under the immediate supervision of a director who shall be

appointed by the Governor, with the advice and consent of the Senate, and who shall serve at the pleasure of the Governor during the Governor's term of office and until the appointment and qualification of his successor. The director shall receive a salary which shall be within a salary range as established by the Department of Civil Service with the approval of the Director of the Division of Budget and Accounting.

2. This act shall take effect immediately.

Approved November 6, 1978.

CHAPTER 141

AN ACT to amend and supplement the "Optional County Charter Law," approved September 19, 1972 (P. L. 1972, c. 154).

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

1. Section 32 of P. L. 1972, c. 154 (C. 40:41A–32) is amended to read as follows:

C. 40:41A-32 Elected officers.

32. a. Elected officers. Each county operating under this article shall be governed by an elected board of freeholders and an elected county executive and by such other officers and employees as may be duly appointed pursuant to this act, general law, or ordinance.

b. In each county operating under this article, the term "governing body" of the county shall be construed to include both the board of freeholders and the county executive. For the purpose of the construction of all other applicable statutes, any and all administrative or executive functions heretofore assigned by general law to the board of freeholders shall be exercised by the county executive, and any and all legislative and investigative functions heretofore assigned by general law to the board of freeholders shall be exercised by the board, all in accordance with the separation of powers provided for in section 86 of the act of which this act is amendatory (C. 40:41A–86).

2. Section 37 of P. L. 1972, c. 154 (C. 40:41A–37) is amended to read as follows:

C. 40:41A-37 Powers.

37. Powers. The county executive:

a. Shall supervise, direct and control all county administrative departments;

b. With the advice and consent of the board, shall appoint the county counsel, the administrator, the heads of all departments and any divisions created within such departments, and the members of all county boards, commissions and authorities;

c. May, at his discretion, remove or suspend any official in the unclassified service of the county over whose office the county executive has power of appointment in accordance with the provisions of section 87 b.;

d. May, at his discretion, but subject to any pertinent provisions of the administrative code or civil service requirements, delegate to department heads powers of appointment and removal of their departmental employees. If the county executive does not so delegate his power he may appoint and remove, subject to civil service requirements, all employees whose positions have been created in accordance with the administrative code, and the manner of whose appointment is not specified elsewhere in this article;

e. May require reports and examine the accounts, records and operations of any agency of county government;

f. May at his discretion order any agency under his jurisdiction as specified in the administrative code to undertake any task for any other agency on a temporary basis if he deems it necessary for the proper and efficient administration of the county government to do so;

g. Shall approve each ordinance of the board by signing it, or may veto any ordinance by returning it to the clerk of the board within 10 days of passage with a written statement of his objections to the ordinance. If two-thirds of the full membership of the board, upon reconsideration of the measure, shall vote for it, the executive's veto shall be overridden and the ordinance shall become law without the executive's signature in accordance with the provisions of law.

3. Section 38 of P. L. 1972, c. 154 (C. 40:41A–38) is amended to read as follows:

C. 40:41A-38 Legislative powers of county.

38. The legislative power of the county shall be vested in the board of chosen freeholders. Such legislative power shall be exercised by ordinance, except for the exercise of the following powers

which are required to be, or are permitted to be, exercised by resolution:

a. The establishment of a municipal advisory council pursuant to section 29 of the act of which this act is amendatory (C. 40:41A–29);

b. The conduct of an inquiry or investigation pursuant to section 86 of such act (C. 40:41A–86);

c. The expression of disapproval of the suspension or dismissal of officers or employees pursuant to section 87 of such act (C. 40:41A–87);

d. The exercise of the power of advice and consent to actions of the executive pursuant to section 41a. of such act (C. 40:41A–41a.);

e. The override of a veto of the county executive pursuant to section 41f. of such act (C. 40:41A–41f.);

f. The adoption of rules for the board pursuant to section 100 of such act (C. 40:41A–100);

g. The establishment of times and places for board meetings pursuant to section 99 of such act (C. 40:41A–99);

h. The establishment of the board as a committee of the whole and the delegation of any number of its members as an ad hoc committee, both pursuant to section 86 of such act (C. 40:41A–86);

i. The declaration of emergencies pursuant to section 101c. of such act (C. 40:41A–101c.);

j. The identification of emergency situations pursuant to section 128 of such act (C. 40:41A–128);

k. Application for a county department of civil service pursuant to section 130 of such act (C. 40:41A–130);

l. Designation of qualified newspapers pursuant to section 142 of such act (C. 40:41A–142);

m. The appointment and removal of such officers and employees as the board is permitted by law;

n. Approval of contracts presented by the county executive;

o. Actions specified as resolutions in the "Local Budget Law" (N. J. S. 40A:4–1 et seq.); and,

p. The expression of such board policies or opinions as require no formal action by the governing body.

4. Section 41 of P. L. 1972, c. 154 (C. 40:41A–41) is amended to read as follows:

C. 40:41A-41 Powers of board of freeholders.

41. Board powers. The board of freeholders:

a. Shall advise and consent to all appointments by the executive for which board confirmation is specified under this article;

b. Shall pass in accordance with this act whatever ordinances and resolutions it deems necessary and proper for the good governance of the county;

c. Shall appoint a clerk to the board who shall keep the records and minutes of the board, and who shall serve at the pleasure of the board or for such term, not to exceed 3 years, as may be provided by the administrative code; provided, however, that an ordinance providing for the adoption of any such term shall not be enacted between October 1 of any year and January 1 of the succeeding year;

d. May appoint counsel to the board, if such position is created by the administrative code, to serve at the pleasure of the board;

e. May pass a resolution of disapproval or dismissal, subject to the provisions of section 87 b. of this act;

f. May override a veto of the county executive by a two-thirds vote of its full membership;

g. Shall approve the annual operating and capital budgets pursuant to the Local Budget Law.

5. Section 51 of P. L. 1972, c. 154 (C. 40:41A–51) is amended to read as follows:

C. 40:41A-51 Powers of county manager.

51. Powers. The county manager:

a. Shall supervise, direct and control all county administrative departments;

b. Shall appoint the deputy manager, if that position is created by the board, the heads of all county departments and any divisions created within such departments, and all other administrative officers and county personnel the manner of whose appointment is not prescribed elsewhere in this article;

c. May, at his discretion, remove or suspend any official in the unclassified service of the county over whose office the county manager has power of appointment in accordance with the provisions of section 87 b.;

d. May, at his discretion, but subject to any pertinent provisions of the administrative code or civil service requirements, delegate to any department head powers of appointment and removal of their departmental employees. If the county manager does not so delegate his power he may appoint and remove, subject to civil service requirements, all employees whose positions have been created in accordance with the administrative code, and the manner of whose appointment is not specified elsewhere in the article;

e. May require reports and examine the accounts, records and operations of any agency of county government;

f. May, at his discretion, order any agency under his jurisdiction as specified in the administrative code to undertake any task for any other agency on a temporary basis if he deems it necessary for the proper and efficient administration to do so.

6. Section 52 of P. L. 1972, c. 154 (C. 40:41A–52) is amended to read as follows:

C. 40:41A-52 Legislative powers of county.

52. The legislative power of the county shall be vested in the board of chosen freeholders. Such legislative power shall be exercised by ordinance, except for the exercise of the following powers which are required to be, or are permitted to be, exercised by resolution:

a. The establishment of a municipal advisory council pursuant to section 29 of the act of which this act is amendatory (C. 40:41A–29);

b. The conduct of an inquiry or investigation pursuant to section 86 of such act (C. 40:41A–86);

c. The expression of disapproval of the suspension or dismissal of officers or employees pursuant to section 87 of such act (C. 40:41A–87);

d. The adoption of rules for the board pursuant to section 100 of such act (C. 40:41A–100);

e. The establishment of times and places for board meetings pursuant to section 99 of such act (C. 40:41A–99);

f. The establishment of the board as a committee of the whole and the delegation of any number of its members as an ad hoc committee, both pursuant to section 86 of such act (C. 40:41A–86);

g. The declaration of emergencies pursuant to section 101c. of such act (C. 40:41A–101c.);

h. The identification of emergency situations pursuant to section 128 of such act (C. 40:41A–128);

i. Application for a county department of civil service pursuant to section 130 of such act (C. 40:41A–130);

j. The election, appointment and removal of such officers and employees as the board is permitted by law;

k. Designation of qualified newspapers pursuant to section 142 of such act (C. 40:41A–142);

l. Approval of contracts presented by the county manager;

m. Actions specified as resolutions in the "Local Budget Law" (N. J. S. 40A:4–1 et seq.); and

n. The expression of such board policies or opinions as require no formal board action.

7. Section 55 of P. L. 1972, c. 154 (C. 40:41A–55) is amended to read as follows:

C. 40:41A-55 Powers of board of freeholders.

55. Board powers. The board of freeholders:

a. Shall appoint a county manager under the provisions of section 47 of this article and may create the office of deputy manager;

b. Shall appoint a clerk to the board who shall keep the records and minutes of the board, and who shall serve at the pleasure of the board or for such term, not to exceed 3 years, as may be provided by the administrative code; provided, however, that an ordinance providing for the adoption of any such term shall not be enacted between October 1 of any year and January 1 of the succeeding year;

c. Shall appoint a county counsel, who shall head the county's legal department, and who shall serve at the pleasure of the board or for such term, not to exceed 4 years, as may be provided by the administrative code; provided, however, that an ordinance providing for the adoption of any such term shall not be enacted between October 1 of any year and January 1 of the succeeding year. The administrative code may also establish a term, not to exceed 3 years, for the position of assistant county counsel;

d. Shall appoint members of all boards and commissions and other bodies whose manner of appointment is not otherwise specified in this article;

e. May pass a resolution of disapproval of a suspension or dismissal, subject to the provisions of section 87 b. of this act;

f. Shall approve the annual operating and capital budgets;

g. Shall pass in accordance with this act whatever ordinances and resolutions it deems necessary and proper for the good governance of the county.

8. Section 60 of P. L. 1972, c. 154 (C. 40:41A–60) is amended to read as follows:

C. 40:41A-60 Elected officers.

60. a. Elected officers. Each county operating under this article shall be governed by an elected board of freeholders and an elected county supervisor and by such other officers and employees as may be duly appointed pursuant to this article, general law, or ordinance.

b. In each county operating under this article, the term "governing body" of the county shall be construed to include the board of freeholders and the county supervisor. For the purpose of the construction of all other applicable statutes, any and all administrative or executive functions heretofore assigned by general law to the board of freeholders shall be exercised by the county supervisor, and any and all legislative and investigative functions heretofore assigned by general law to the board of freeholders shall be exercised by the board, all in accordance with the separation of powers provided for in section 86 of the act of which this act is amendatory (C. 40:41A–86).

9. Section 66 of P. L. 1972, c. 154 (C. 40:41A–66) is amended to read as follows:

C. 40:41A-66 Legislative powers of county.

66. The legislative power of the county shall be vested in the board of chosen freeholders. Such legislative power shall be exercised by ordinance, except for the exercise of the following powers which are required to be, or are permitted to be, exercised by resolution:

a. The establishment of a municipal advisory council pursuant to section 29 of the act of which this act is amendatory (C. 40:41A–29);

b. The conduct of an inquiry or investigation pursuant to section 86 of such act (C. 40:41A–86);

c. The expression of disapproval of the suspension or dismissal of officers or employees pursuant to section 87 of such act (C. 40:41A–87);

d. The exercise of the power of advice and consent to actions of the supervisor pursuant to section 67c. of such act (C. 40:41A–67c.);

e. The override of a veto of the county supervisor pursuant to section 67g. of such act (C. 40:41A–67g.);

f. The adoption of rules for the board pursuant to section 100 of such act (C. 40:41A–100);

g. The establishment of times and places for board meetings pursuant to section 99 of such act (C. 40:41A–99);

h. The establishment of the board as a committee of the whole and the delegation of any number of its members as an ad hoc committee, both pursuant to section 86 of such act (C. 40:41A–86);

i. The declaration of emergencies pursuant to section 101c. of such act (C. 40:41A–101c.);

j. The identification of emergency situations pursuant to section 128 of such act (C. 40:41A–128);

k. Application for a county department of civil service pursuant to section 130 of such act (C. 40:41A–130);

l. Designation of qualified newspapers pursuant to section 142 of such act (C. 40:41A–142);

m. The appointment and removal of such officers and employees as the board is permitted by law;

n. Approval of contracts presented by the county administrator;

o. Actions specified as resolutions in the "Local Budget Law" (N. J. S. 40A:4–1 et seq.); and,

p. The expression of such board policies or opinions as require no formal action by the governing body.

10. Section 67 of P. L. 1972, c. 154 (C. 40:41A–67) is amended to read as follows:

C. 40:41A-67 Powers of board of freeholders.

67. Board powers. The board of freeholders:

a. Shall pass in accordance with this act whatever ordinances and resolutions it deems necessary and proper for the good governance of the county;

b. Shall appoint and remove the county administrative officer by a majority vote and may create the office of, appoint and remove, a deputy administrative officer by a majority vote;

c. Shall advise and consent to all appointments by the supervisor;

d. Shall appoint a clerk to the board who shall keep the records and minutes of the board, and who shall serve at the pleasure of the board or for such term, not to exceed 3 years, as may be provided by the administrative code; provided, however, that an ordinance providing for the adoption of any such term shall not be enacted between October 1 of any year and January 1 of the succeeding year;

e. Shall appoint the county counsel, who shall head the county's legal department, and who shall serve at the pleasure of the board or for such term, not to exceed 4 years, as may be provided by the administrative code; provided, however, that an ordinance providing for the adoption of any such term shall not be enacted between October 1 of any year and January 1 of the succeeding year. The administrative code may also establish a term, not to exceed 3 years, for the position of assistant county counsel;

f. May pass a resolution of disapproval of a suspension or dismissal, subject to the provisions of section 87 b. of this act;

g. May override a veto of the county supervisor by a two-thirds vote of its full membership;

h. Shall approve the annual operating and capital budgets.

11. Section 79 of P. L. 1972, c. 154 (C. 40:41A–79) is amended to read as follows:

C. 40:41A-79 Legislative powers of county.

79. The legislative power of the county shall be vested in the board of chosen freeholders. Such legislative power shall be exercised by ordinance, except for the exercise of the following powers which are required to be, or are permitted to be, exercised by resolution.

a. The establishment of a municipal advisory council pursuant to section 29 of the act of which this act is amendatory (C. 40:41A–29);

b. The conduct of an inquiry or investigation pursuant to section 86 of such act (C. 40:41A–86);

c. The expression of disapproval of the suspension or dismissal of officers or employees pursuant to section 87 of such act (C. 40:41A–87);

d. The exercise of the power of advice and consent to actions of the president and administrative officer pursuant to section 81c. of such act (C. 40:41A–81c.);

e. The adoption of rules for the board pursuant to section 100 of such act (C. 40:41A–100);

f. The establishment of times and places for board meetings pursuant to section 99 of such act (C. 40:41A–99);

g. The establishment of the board as a committee of the whole and the delegation of any number of its members as an ad hoc committee, both pursuant to section 86 of such act (C. 40:41A–86);

h. The declaration of emergencies pursuant to section 101c. of such act (C. 40:41A–101c.);

i. The identification of emergency situations pursuant to section 128 of such act (C. 40:41A–128);

j. Application for a county department of civil service pursuant to section 130 of such act (C. 40:41A–130);

k. Designation of qualified newspapers pursuant to section 142 of such act (C. 40:41A–142);

l. The appointment and removal of such officers and employees as the board is permitted by law;

m. Approval of contracts presented by the county administrator;

n. Actions specified as resolutions in the "Local Budget Law" (N. J. S. 40A:4–1 et seq.); and,

o. The expression of such board policies or opinions as require no formal board action.

12. Section 81 of P. L. 1972, c. 154 (C. 40:41A–81) is amended to read as follows:

C. 40:41A-81 Powers of board of freeholders.

81. Board powers. The board of freeholders:

a. Shall pass in accordance with this act whatever ordinances or resolutions it deems necessary and proper for the good governance of the county;

b. Shall appoint and remove the administrative officer by a majority vote and may create the office of, appoint and remove, a deputy administrative officer by a majority vote;

c. Shall advise and consent to all appointments by the president and administrative officer for which board confirmation is specified under this article;

d. Shall appoint a clerk to the board who shall keep the records and minutes of the board, and who shall serve at the pleasure of the board or for such term, not to exceed 3 years, as may be provided by the administrative code; provided, however, that an ordinance providing for the adoption of any such term shall not be enacted between October 1 of any year and January 1 of the succeeding year;

e. Shall appoint the county counsel, to head the county's legal department, and serve at the pleasure of the board or for such term, not to exceed 4 years, as may be provided by the administrative code; provided, however, that an ordinance providing for the adoption of any such term shall not be enacted between October 1 of any year and January 1 of the succeeding year. The administrative code may also establish a term, not to exceed 3 years, for the position of assistant county counsel;

f. May pass a resolution of disapproval of a suspension or dismissal, subject to the provisions of section 87 b. of this act;

g. Shall approve the annual operating and capital budgets.

13. Section 129 of P. L. 1972, c. 154 (C. 40:41A–129) is amended to read as follows:

C. 40:41A-129 Employees in the classified service.

129. Employees in the classified service. On the effective date of the administrative code, all officers and employees in the classified service of the county shall be transferred to the department, division or agency to which the functions, powers or duties in which they were engaged are allocated under the administrative code. Such transfer shall, except as otherwise provided in this section, be without examination or diminution of existing com-

pensation, pension or retirement rights, privileges or obligations of any such officer or employee. It is the intent of the Legislature that the adoption of any plan found in this charter shall not, except as otherwise provided in this section, adversely affect the civil service tenure, pension, seniority or promotional rights of any county officer or employee in the classified service. With respect to the positions of heads of departments, or any divisions thereof, which are placed in the unclassified service pursuant to the provisions of R. S. 11:22–2, other than a position subject to the requirements of 42 U. S. C. 602 (a), and notwithstanding the provisions of this section, or chapter 27 of Title 11 of the Revised Statutes or R. S. 11:28–3 or R. S. 38:16–1, any officer or employee in the classified service who shall have exercised the same or substantially the same responsibilities prior to the effective date of the administrative code, and who shall not be appointed thereafter by the appointing authority as head of a department, or a division thereof, shall be entitled to such lay-off, demotional and special reemployment rights as are provided under applicable provisions of Title 11 (Civil Service) and rules and regulations adopted pursuant thereto. Any such officer or employee who shall be appointed by the appointing authority as head of a department, or a division thereof, shall be deemed to be entitled to such classified title as may be provided by the lay-off, demotional or special reemployment rights as are provided under applicable provisions of Title 11 (Civil Service) and rules and regulations adopted pursuant thereto, and shall be placed on leave of absence pursuant to sections 1 and 2 of P. L. 1946, c. 148 (C. 11:24A–6.1 and 6.2) from such classified title while serving as the head of a department or a division thereof.

14. Section 142 of P. L. 1972, c. 154 (C. 40:41A–142) is amended to read as follows:

C. 40:41A-142 Publication of notices.

142. Whenever notice by publication is required under this act the clerk to the board of freeholders or the county counsel, whichever shall be charged by the board to do so, or any other person charged under any section of this act with the duty of causing such publication, shall cause all such notices to be published in at least one of the two newspapers qualified by law and designated by majority vote of the board of freeholders to publish the county's legal notices. The two newspapers designated by the board of freeholders shall be:

a. Both printed and published in the county, one of which shall be either a newspaper published at the county seat of such county or a

newspaper published in a municipality in such county having the largest population according to the last population estimate published by the New Jersey Department of Labor and Industry; or

b. One printed and published in such county and one circulating in such county, if only one daily newspaper is printed and published in such county; or

c. One published at the county seat and one circulating in the county if no daily newspaper is published; or

d. Both circulating in such county, if no newspapers are printed and published in such county.

C. 40:41A-145 Vacancies in board of chosen freeholders; how filled.

15. (New section) Whenever a vacancy occurs in the membership of the board of chosen freeholders for any reason other than the expiration of the term, it shall be filled for the unexpired term at the next general election occurring not less than 60 days from the date of such vacancy; provided, however, that if the vacancy occurs at any time after 60 days prior to the general election occurring in the next to the last year in the term of office, the vacancy may be filled by appointment for the remainder of the unexpired term in the same manner as hereinafter provided for temporary appointments. Nominations and elections for the filling of a vacancy for the unexpired term shall be made in accordance with the pertinent provisions of Title 19 of the Revised Statutes and the "Optional County Charter Law" (P. L. 1972, c. 154).

The board of chosen freeholders may, by majority vote of its remaining members, fill a vacancy temporarily by appointment until the election and qualification of a successor. If the board of chosen freeholders shall fail to fill the vacancy within 30 days of its occurrence, the office shall remain vacant until the election and qualification of a person to fill the vacancy for the unexpired term or to fill a full new term, as the case may be.

C. 40:41A-146 Appointment of members of board; when made.

16. (New section) Whenever the offices of all or a majority of the members of the board of chosen freeholders shall become vacant for any reason, the existence of the vacancies shall be immediately certified to the Governor by any remaining member of the board of chosen freeholders or by the county clerk. The Governor upon receipts of such certification shall forthwith fill the vacancies temporarily by appointment until successors are elected and certified for the unexpired terms at the next general election occurring not less than 60 days subsequent to the certification of the existence of such

vacancies. Any appointment made pursuant to this section to fill a vacancy occurring in the next to the last year of the term and certified any time after 60 days prior to the holding of the general election, shall be made for the remainder of the term.

C. 40:41A-147 Qualifications of temporary board members.

17. (New section) Any person appointed by the board of chosen freeholders or the Governor to fill a vacancy either for the unexpired term or temporarily, shall have all the qualifications required by statute to qualify for election to said office, and if the previous incumbent had been elected to office as the nominee of a political party as defined in Title 19 of the Revised Statutes, the person so appointed shall be of the same political party as the preceding incumbent.

18. This act shall take effect immediately.

Approved November 13, 1978.

CHAPTER 142

AN ACT to amend "An act concerning county assistance for the care of children afflicted with Cooley's anemia and supplementing Title 9 of the Revised Statutes" approved March 3, 1976 (P. L. 1975, c. 393).

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

1. Section 1 of P. L. 1975, c. 393 (C. 40:23–8.21) is amended to read as follows:

C. 40:23-8.21 Appropriations for children afflicted with Cooley's anemia; rules and regulations for eligibility; disbursements.

1. The governing body of a county may appropriate not more than $5,000.00 each year to promote public awareness among prospective parents as to the necessity of testing for Cooley's anemia, to establish a referral service whereby such individuals can be tested for the existence of this disease, and, in the case of a county which has no county home or hospital suitable for the treatment of said disease, for any expenses incidental to the diagnosis and treatment of children affected with Cooley's anemia: provided, however, that the governing body of a county of the first

class having a population in excess of 800,000 may appropriate not more than $10,000.00 each year.

Before spending money for such purposes the governing body shall adopt such rules and regulations as it deems desirable concerning the requirements of residence and eligibility for such relief. Disbursements shall be made through officers designated by the board for that purpose on verified bills presented and approved as in the case of other county expenditures.

2. This act shall take effect immediately.

Approved November 13, 1978.

CHAPTER 143

AN ACT concerning insurance and annuities relating to the valuation law and the nonforfeiture law and amending sections 17B:19–5, 17B:19–8 and 17B:25–19 of Title 17B of the New Jersey Statutes.

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

1. N. J. S. 17B:19–5 is amended to read as follows:

Health insurance reserves.

17B:19–5. The commissioner shall annually make or cause to be made or shall annually require the insurer to make calculations of policy and loss reserves for health insurance written by insurers authorized to write health insurance in this State as defined in section 17B:17–4. The commissioner may promulgate regulations providing for minimum reserve standards and mortality, morbidity or other contingency bases to be used in connection therewith. All calculations for minimum reserve purposes shall be made on the basis of a rate of interest not exceeding 4% per annum in the case of policies of insurance issued on or after January 1, 1973 and prior to January 1, 1977 and 4½% interest in the case of policies issued on or after January 1, 1977, and not exceeding 3½% per annum in the case of all other policies of insurance.

2. N. J. S. 17B:19–8 is amended to read as follows:

Standard valuation law.

17B:19–8. This section shall be known as the standard valuation law and shall apply to all the life insurance policies, pure endowment contracts and annuity contracts issued by every life insurer on or after January 1, 1948 or such earlier date as shall have been elected by the insurer as the operative date for such insurer of the standard nonforfeiture law.

a. The minimum standard for the valuation of the reserve liabilities for all such policies and contracts shall be the commissioners reserve valuation methods defined in subsections b., e. and f. of this section, 3½% interest, except as otherwise provided in paragraphs (iii), (iv) and (ix) of this subsection for annuity and pure endowment contracts and except 4% interest for life insurance policies and disability and accidental death benefits issued on or after January 1, 1973 and prior to January 1, 1977 and 4½% interest for such policies and benefits issued on or after January 1, 1977, and the following tables:

(i) For all ordinary policies of life insurance issued on the standard basis, excluding any disability and accidental death benefits in such policies, the Commissioners 1941 Standard Ordinary Mortality Table; provided, however, that the Commissioners 1958 Standard Ordinary Mortality Table shall be the table for the minimum standard for such policies issued on or after January 1, 1966 or, for policies in any category of ordinary insurance, such earlier date as shall have been elected by the insurer as the date on which the calculation of the adjusted premiums referred to in the standard nonforfeiture law for such insurer's policies in such category became based upon said table. Notwithstanding the above provisions of this paragraph, for any category of ordinary insurance, reserves for such policies issued on or after July 1, 1957 may be calculated, at the option of the insurer, according to the Approved Standard Ordinary Mortality Table contained in section 17B:19–9; provided, further, that for any category of such policies issued on female risks on or after July 1, 1957 modified net premiums and present values, referred to in subsection b. of this section, may be calculated, at the option of the insurer with approval of the commissioner, according to an age not more than 6 years younger than the actual age of the insured.

(ii) For all industrial life insurance policies issued on the standard basis, excluding any disability and accidental death

benefits in such policies, the 1941 Standard Industrial Mortality Table; provided, however, that the Commissioners 1961 Standard Industrial Mortality Table shall be the table for the minimum standard for such policies issued on or after January 1, 1968 or such earlier date as shall have been elected by the insurer as the date on which the calculation of the adjusted premiums referred to in the standard nonforfeiture law for such insurer's industrial life insurance policies became based upon said table.

(iii) For individual annuity and pure endowment contracts issued prior to the operative date of paragraph (ix) of this subsection, excluding any disability and accidental death benefits in such contracts, the 1937 Standard Annuity Mortality Table, or, at the option of the insurer, the Annuity Mortality Table for 1949, Ultimate, or any modification of either of these tables approved by the commissioner; provided, however, that for single stipulated payment individual annuity and single premium pure endowment contracts issued on or after January 1, 1970, excluding any disability and accidental death benefits in such contracts, the minimum standard shall be the lesser of (a) the standard just described and (b) the standard based on 4% interest and the Annuity Mortality Table for 1949, Ultimate, or any modification of such table approved by the commissioner.

(iv) For group annuity and pure endowment contracts, except annuities and pure endowments purchased thereunder on or after the operative date of paragraph (ix) of this subsection, excluding any disability and accidental death benefits in such contracts, the Group Annuity Mortality Table for 1951, any modification of such table approved by the commissioner, or, at the option of the insurer, any of the tables or modifications of tables specified for individual annuity and pure endowment contracts; provided, however, that the commissioner may establish regulations governing the use of 5% interest and either the 1971 Group Annuity Mortality Table or any modification of such table approved by the commissioner for either contracts whose reserves are considered as pension plan reserves of the type set forth in section 805 (d) of the U.S. Internal Revenue Code, as amended, or contracts of a similar type; and further provided that for group annuity benefits arising from considerations received on or after January 1, 1970, excluding any disability and accidental death

benefits, the minimum standard shall be the lesser of (a) the standard just described and (b) the standard based on 4% interest and the Group Annuity Mortality Table for 1951, any modification of such table approved by the commissioner, or, at the option of the insurer, the Annuity Mortality Table for 1949, Ultimate, or any modification of such table specified for individual annuity and pure endowment contracts.

(v) For total and permanent disability benefits in or supplementary to ordinary policies or contracts, for policies or contracts issued on or after January 1, 1966, the tables of Period 2 disablement rates and the 1930 to 1950 termination rates of the 1952 Disability Study of the Society of Actuaries, with due regard to the type of benefit; for policies or contracts issued on or after January 1, 1961 and prior to January 1, 1966, either such tables or, at the option of the insurer, the Class (3) Disability Table (1926); and for policies issued prior to January 1, 1961, the Class (3) Disability Table (1926). Any such table shall, for active lives, be combined with a mortality table permitted for calculating the reserves for life insurance policies.

(vi) For accidental death benefits in or supplementary to policies, for policies issued on or after January 1, 1966, the 1959 Accidental Death Benefits Table; for policies issued on or after January 1, 1961 and prior to January 1, 1966, either such table or, at the option of the insurer, the Inter-Company Double Indemnity Mortality Table; and for policies issued prior to January 1, 1961, the Inter-Company Double Indemnity Mortality Table. Either table shall be combined with a mortality table permitted for calculating the reserves for life insurance policies.

(vii) For group life insurance, life insurance issued on the substandard basis and other special benefits, such tables as may be approved by the commissioner.

(viii) For ordinary and industrial paid-up nonforfeiture term insurance, and accompanying pure endowment, the table of mortality based on the rates of mortality assumed in calculating the paid-up nonforfeiture benefits.

(ix) For individual annuity and pure endowment contracts issued on or after the operative date of this paragraph (ix), as defined herein, and for all annuities and pure endowments purchased on or after such operative date under group annuity and pure endowment contracts, the commissioners reserve

valuation method defined in subsections b., e. and f. and the following tables and interest rates:

(1) For individual annuity and pure endowment contracts, excluding any disability and accidental death benefits in such contracts, the 1971 Individual Annuity Mortality Table, or any modification of this table approved by the commissioner, and, for such contracts issued prior to January 1, 1977, 6% interest for single stipulated payment immediate annuity and single premium pure endowment contracts, and 4% interest for all other individual annuity and pure endowment contracts, and for such contracts issued on or after January 1, 1977, 7½% interest for single stipulated payment immediate annuity contracts either of the type whose reserves are considered as pension plan reserves as set forth in section 805(d) of the U.S. Internal Revenue Code, as amended, or of similar type, and 6% interest for other single stipulated payment immediate annuity contracts, and 4½% interest for other individual annuity and pure endowment contracts, provided, however, that the commissioner may establish regulations governing the use, in subsequent valuations of single stipulated payments not previously valued, of an interest rate not more than 7½% or less than 6%.

(2) For all annuities and pure endowments purchased under group annuity and pure endowment contracts, excluding any disability and accidental death benefits purchased under such contracts, the 1971 Group Annuity Mortality Table, or any modification of this table approved by the commissioner, and 6% interest except 7½% interest for purchases on or after January 1, 1977 under either contracts whose reserves are considered as pension plan reserves of the type set forth in section 805(d) of the U.S. Internal Revenue Code, as amended, or contracts of similar type, provided, however, that the commissioner may establish regulations governing the use, in subsequent valuations of purchases not previously valued, of an interest rate not more than 7½% or less than 6%.

For individual single stipulated payment immediate annuity and single premium pure endowment contracts and for annuities and pure endowments purchased under group annuity and pure endowment contracts, the operative date of this paragraph (ix) shall be January 1, 1973.

For other individual annuity and pure endowment contracts, an insurer may file with the commissioner a written notice of its election to comply with the provisions of this paragraph (ix) beginning on a specific date that is on or after January 1, 1973 but prior to January 1, 1979. Such specified date shall be the operative date of this paragraph for such contracts of the insurer, provided that if an insurer makes no such election, the operative date of this paragraph for such contracts of the insurer shall be January 1, 1979.

b. Except as otherwise provided in subsections e. and f., reserves according to the commissioners reserve valuation method, for the life insurance and endowment benefits of policies providing for a uniform amount of insurance and requiring the payment of uniform premiums shall be the excess, if any, of the present value, at the date of valuation, of such future guaranteed benefits provided by such policies, over the then present value of any future modified net premiums therefor. The modified net premiums for any such policy shall be such uniform percentage of the respective contract premiums for such benefits that the present value, at the date of issue of the policy, of all such modified net premiums shall be equal to the sum of the then present value of such benefits provided by the policy and the excess of (A) over (B), as follows:

(A) A net level annual premium equal to the present value, at the date of issue, of such benefits provided for after the first policy year, divided by the present value, at the date of issue, of an annuity of one per annum payable on the first and each subsequent anniversary of such policy on which a premium falls due; provided, however, that such net level annual premium shall not exceed the net level annual premium on the 19-year premium whole life plan for insurance of the same amount at an age 1 year higher than the age at issue of such policy.

(B) A net 1-year term premium for such benefits provided for in the first policy year.

Reserves according to the commissioners reserve valuation method for (i) life insurance policies providing for varying amounts of insurance or requiring the payment of varying premiums, (ii) group annuity and pure endowment contracts purchased in connection with retirement plans or plans of deferred compensation, established or maintained by or for one or more employers (including partnerships or sole proprietorships), em-

ployee organizations, or any combination thereof, other than plans providing individual retirement accounts or individual retirement annuities under section 408 of the Internal Revenue Code, as now or hereafter amended, (iii) disability and accidental death benefits in all policies and contracts, and (iv) all other benefits, except life insurance and endowment benefits in life insurance policies and benefits provided by all other annuity and pure endowment contracts, shall be calculated by a method consistent with the principles of this subsection b., except that any extra premiums charged because of impairments or special hazards shall be disregarded in the determination of modified net premiums.

c. In no event shall an insurer's aggregate reserves for all life insurance policies, excluding disability and accidental death benefits, be less than the aggregate reserves calculated in accordance with the methods set forth in subsections b. and e. and the mortality table or tables and rate or rates of interest used in calculating nonforfeiture benefits for such policies. Reserves for any category of policies, contracts or benefits as established by the commissioner shall not be calculated according to any standards which produce smaller aggregate reserves for such category than the corresponding aggregate value or nonforfeiture benefits available as of the valuation date.

d. Reserves for any category of policies, contracts or benefits as established by the commissioner may be calculated, at the option of the insurer, according to any standards which produce greater aggregate reserves for such category than those calculated according to the minimum standard herein provided, but the rate or rates of interest used for policies and contracts, other than annuity and pure endowment contracts, shall not be higher than the corresponding rate or rates of interest used in calculating any nonforfeiture benefits provided for therein.

e. If in any contract year the gross premium charged by any life insurer on any policy or contract to which this section applies is less than the valuation net premium for the policy or contract calculated by the method used in calculating the reserve thereon but using the minimum valuation standards of mortality and rate of interest, the minimum reserve required for such policy or contract is the greater of either the reserve calculated according to the mortality table, rate of interest, and method actually used for such policy or contract, or the reserve calculated by the method actually used for such policy or contract but using the minimum standards of mortality and rate of interest and replacing the valuation net

premium by the actual gross premium in each contract year for which the valuation net premium exceeds the actual gross premium.

f. This subsection shall apply to all annuity and pure endowment contracts other than group annuity and pure endowment contracts purchased in connection with retirement plans or plans of deferred compensation, established or maintained by or for one or more employers (including partnerships or sole proprietorships), employee organizations, or any combination thereof, except such plans providing individual retirement accounts or individual retirement annuities under section 408 of the Internal Revenue Code, as now or hereafter amended.

Reserves according to the commissioners annuity reserve method for benefits under annuity or pure endowment contracts, excluding any disability and accidental death benefits in such contracts, shall be the greatest of the respective excesses of the present values, at the date of valuation, of the future guaranteed benefits, including guaranteed nonforfeiture benefits, provided for by such contracts at the end of each respective contract year, over the present value, at the date of valuation, of any future valuation considerations derived from future gross considerations, required by the terms of such contract, that become payable prior to the end of such respective contract year. The future guaranteed benefits shall be determined by using the mortality table, if any, and the interest rate, or rates, specified in such contracts for determining guaranteed benefits. The valuation considerations are the portions of the respective gross considerations applied under the terms of such contracts to determine nonforfeiture values.

3. N. J. S. 17B:25–19 is hereby amended to read as follows:

Standard nonforfeiture law.

17B:25–19. Standard nonforfeiture law. This section shall be known as the standard nonforfeiture law.

a. No policy of life insurance, except as stated in subsection j., shall be issued or delivered hereafter in this State unless it shall contain in substance the following provisions, or corresponding provisions which in the opinion of the commissioner are at least as favorable to the defaulting or surrendering policyholder:

(1) That, in the event of default in any premium payment, the insurer will grant, upon proper request not later than 60 days after the due date of the premium in default, a paid-up nonforfeiture benefit on a plan stipulated in the policy, effec-

tive as of such due date, of such value as may be hereinafter specified.

(2) That, upon surrender of the policy within 60 days after the due date of any premium payment in default after premiums have been paid for at least 3 full years in the case of ordinary insurance or 5 full years in the case of industrial insurance, the insurer will pay, in lieu of any paid-up nonforfeiture benefit, a cash surrender value of such amount as may be hereinafter specified.

(3) That a specified paid-up nonforfeiture benefit shall become effective as specified in the policy unless the person entitled to make such election elects another available option not later than 60 days after the due date of the premium in default.

(4) That, if the policy shall have become paid up by completion of all premium payments or if it is continued under any paid-up nonforfeiture benefit which became effective on or after the third policy anniversary in the case of ordinary insurance or the fifth policy anniversary in the case of industrial insurance, the insurer will pay, upon surrender of the policy within 30 days after any policy anniversary, a cash surrender value of such amount as may be hereinafter specified.

(5) A statement of the mortality tables and interest rates used in calculating the cash surrender values and the mortality tables and interest rates used in calculating the paid-up nonforfeiture benefits available under the policy, together with a table showing the cash surrender value, if any, and paid-up nonforfeiture benefit, if any, available under the policy on each policy anniversary either during the first 20 policy years or during the term of the policy, whichever is shorter, such values and benefits to be calculated upon the assumption that there are no dividends or paid-up additions credited to the policy and that there is no indebtedness to the insurer on the policy.

(6) A statement that the cash surrender values and the paid-up nonforfeiture benefits available under the policy are not less than the minimum values and benefits required by or pursuant to the insurance law of the State in which the policy is delivered; an explanation of the manner in which the cash surrender values and the paid-up nonforfeiture benefits are altered by the existence of any paid-up additions credited to the policy or any indebtedness to the insurer on the policy; if a

detailed statement of the method of computation of the cash surrender values and paid-up nonforfeiture benefits shown in the policy is not stated therein, a statement that such method of computation has been filed with the insurance supervisory official of the State in which the policy is delivered; and a statement of the method to be used in calculating the cash surrender value and paid-up nonforfeiture benefit available under the policy on any policy anniversary beyond the last anniversary for which such values and benefits are consecutively shown in the policy.

Any of the foregoing provisions or portions thereof not applicable by reason of the plan of insurance may, to the extent inapplicable, be omitted from the policy.

The insurer shall reserve the right to defer the payment of any cash surrender value for a period of 6 months after demand therefor with surrender of the policy.

b. In the case of annuity and pure endowment contracts issued on or after January 1, 1972, no contract of annuity or pure endowment, except as stated in subsection j., shall be issued or delivered in this State, unless it shall contain in substance the following provisions, or corresponding provisions which in the opinion of the commissioner are at least as favorable to the defaulting or surrendering contractholder:

(1) That, in the event of default in any stipulated payment, the insurer will grant a paid-up nonforfeiture benefit on a plan stipulated in the contract, effective as of such due date, of such value as may be hereinafter specified.

(2) A statement of the mortality tables, if any, and interest rates used in calculating the paid-up nonforfeiture benefits available under the contract, together with a table showing either the cash surrender value, if any, or the paid-up nonforfeiture benefit, if any, available on each anniversary of the contract either during the first 20 contract years or during the term of stipulated payments, whichever is shorter, such benefits to be calculated upon the assumption that there are no dividends or paid-up additions credited to the contract and that there is no indebtedness to the insurer on the contract.

(3) A statement that the paid-up nonforfeiture benefits available under the contract are not less than the minimum benefits required by or pursuant to the insurance law of the State in which the contract is delivered; an explanation of the manner in which the paid-up nonforfeiture benefits are altered

by the existence of any paid-up additions credited to the contract or any indebtedness to the insurer on the contract; if a detailed statement of the method of computation of the paid-up nonforfeiture benefits shown in the contract is not stated therein, a statement that such method of computation has been filed with the insurance supervisory official of the State in which the contract is delivered; and a statement of the method to be used in calculating the paid-up nonforfeiture benefit available under the contract on any contract anniversary beyond the last anniversary for which such benefits are consecutively shown in the contract.

If an insurer shall provide for the payment of a cash surrender value, it shall reserve the right to defer the payment of such value for a period of 6 months after demand therefor with surrender of the contract.

Notwithstanding the requirements of this subsection, any deferred annuity contract may provide that if the annuity allowed under any paid-up nonforfeiture benefit would be less than $120.00 annually, the insurer may at its option grant a cash surrender value in lieu of such paid-up nonforfeiture benefit of such amount as may be required by subsection f.

c. Any cash surrender value available under any policy referred to in subsection a. in the event of default in a premium payment due on any policy anniversary, whether or not required by subsection a., shall be an amount not less than the excess, if any, of the present value, on such anniversary, of the future guaranteed benefits which would have been provided for by the policy, including any existing paid-up additions, if there had been no default, over the sum of (1) the then present value of the adjusted premiums as defined in subsection g., corresponding to premiums which would have fallen due on and after such anniversary, and (2) the amount of any indebtedness to the insurer on the policy. Any cash surrender value available within 30 days after any policy anniversary under any policy paid up by completion of all premium payments or any policy continued under any paid-up nonforfeiture benefit, whether or not required by subsection a., shall be an amount not less than the present value, on such anniversary, of the future guaranteed benefits provided for by the policy, including any existing paid-up additions, decreased by any indebtedness to the insurer on the policy.

d. Any paid-up nonforfeiture benefit available under any policy referred to in subsection a. in the event of default in a premium

payment due on any policy anniversary shall be such that its present value as of such anniversary shall be at least equal to the cash surrender value then provided for by the policy or, if none is provided for, that cash surrender value which would have been required by this section in the absence of the condition that premiums shall have been paid for at least a specified period.

e. Any paid-up nonforfeiture benefit available under any annuity or pure endowment contract referred to in subsection b., in the event of default in a stipulated payment due on any contract anniversary, shall be such that its present value as of such anniversary shall be an amount not less than the excess, if any, of the present value, on such anniversary, of the future guaranteed benefits which would have been provided for by the contract, including any existing paid-up additions, if there had been no default, over the sum of (1) the then present value of the adjusted stipulated payments as defined in subsection h. corresponding to stipulated payments which would have fallen due on and after such anniversary, and (2) the amount of any indebtedness to the insurer on the contract. In determining the benefits referred to in this subsection and in calculating the adjusted stipulated payments referred to in subsection h., in the case of annuity contracts under which an election may be made to have annuity payments commence at optional dates, the annuity payments shall be deemed to commence at a date which shall be the latest permitted by the contract for the commencement of such payments but not later than the contract anniversary nearest the annuitant's seventieth birthday or the tenth anniversary of the contract, whichever is later; and the stipulated payments shall be deemed to be payable for the longest period during which they would be payable if election were made to have the annuity payments commence at such date.

f. Any cash surrender value allowed by any annuity or pure endowment contract referred to in subsection b. and the present value, under any optional provision, of future benefits commencing on the due date of the stipulated payment in default shall each be at least equal to the then present value of the minimum paid-up nonforfeiture benefit required by subsection e.

g. Except as provided in the third paragraph of this subsection, the adjusted premiums for any policy referred to in subsection a. shall be calculated on an annual basis and shall be such uniform percentage of the respective premiums specified in the policy for each policy year, excluding any extra premiums charged because of impairments or special hazards, that the present value, at the date

of issue of the policy, of all such adjusted premiums shall be equal to the sum of (1) the then present value of the future guaranteed benefits provided for by the policy; (2) 2% of the amount of insurance, if the insurance be uniform in amount or of the equivalent uniform amount, as hereinafter defined, if the amount of insurance varies with duration of the policy; (3) 40% of the adjusted premium for the first policy year; (4) 25% of either the adjusted premium for the first policy year or the adjusted premium for a whole life policy of the same uniform or equivalent uniform amount with uniform premiums for the whole of life issued at the same age for the same amount of insurance, whichever is less; provided, however, that in applying the percentages specified in (3) and (4) above, no adjusted premium shall be deemed to exceed 4% of the amount of insurance or uniform amount equivalent thereto. The date of issue of a policy for the purpose of this subsection shall be the date as of which the rated age of the insured is determined.

In the case of a policy providing an amount of insurance varying with duration of the policy, the equivalent uniform amount thereof for the purpose of this subsection shall be deemed to be the uniform amount of insurance provided by an otherwise similar policy, containing the same endowment benefit or benefits, if any, issued at the same age and for the same term, the amount of which does not vary with duration and the benefits under which have the same present value at the date of issue as the benefits under the policy; provided, however, that in the case of a policy providing a varying amount of insurance issued on the life of a child under age 10, the equivalent uniform amount may be computed as though the amount of insurance provided by the policy prior to the attainment of age 10 were the amount provided by such policy at age 10.

The adjusted premiums for any policy providing term insurance benefits by rider or supplemental policy provision shall be equal to (a) the adjusted premiums for an otherwise similar policy issued at the same age without such term insurance benefits, increased, during the period for which premiums for such term insurance benefits are payable, by (b) the adjusted premiums for such term insurance, the foregoing items (a) and (b) being calculated separately and as specified in the first two paragraphs of this subsection except that, for the purpose of (2), (3) and (4) of the first such paragraph, the amount of insurance or equivalent uniform amount of insurance used in the calculation of the adjusted premiums referred to in (b) shall be equal to the excess of the corresponding amount determined for the entire policy over the amount used in the calculation of the adjusted premiums in (a).

All adjusted premiums and present values referred to in this section shall for all policies of ordinary insurance be calculated on the basis of the Commissioners 1958 Standard Ordinary Mortality Table. Notwithstanding this provision, for any category of ordinary insurance such calculations may be made, at the option of the insurer, on the basis of the Approved Standard Ordinary Mortality Table; provided, further, that for any category of ordinary insurance issued on female risks adjusted premiums and present values may be calculated, at the option of the insurer with approval of the commissioner, according to an age not more than 6 years younger than the actual age of the insured. Such calculations for all policies of industrial insurance shall be made on the basis of the Commissioners 1961 Standard Industrial Mortality Table.

All calculations shall be made on the basis of the applicable rates of interest specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits, not exceeding 4% per annum in the case of policies of insurance issued on or after January 1, 1973 and prior to January 1, 1977 and not exceeding 5½% per annum for policies issued on or after January 1, 1977, and not exceeding 3½% per annum in the case of all other policies of insurance. Provided, however, that in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than the rates shown in the Commissioners 1958 Extended Term Insurance Table if the adjusted premiums for the policy are calculated on the basis of the Commissioners 1958 Standard Ordinary Mortality Table, may be not more than 130% of the rates shown in the Approved Standard Ordinary Mortality Table if the adjusted premiums for the policy are calculated on the basis of said table, and may be not more than the rates shown in the Commissioners 1961 Industrial Extended Term Insurance Table if the adjusted premiums for the policy are calculated on the basis of the Commissioners 1961 Standard Industrial Mortality Table. Provided, further, that for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the insurer and approved by the commissioner.

h. The adjusted stipulated payments for any annuity or pure endowment contract referred to in subsection b. shall be calculated on an annual basis and shall be such uniform percentage of the

respective stipulated payments specified in the contract for each contract year that the present value, at the date of issue of the contract, of all such adjusted stipulated payments shall be equal to the sum of (1) the then present value of the future guaranteed benefits provided for by the contract; (2) 20% of the adjusted stipulated payment for the first contract year; and (3) 2% of the adjusted stipulated payment for the first contract year for each year not exceeding 20 during which stipulated payments are payable.

All adjusted stipulated payments and present values referred to in this section shall for annuity and pure endowment contracts be calculated on the basis of (1) the applicable rates of interest, not exceeding 3½% per annum, specified in the contract for calculating cash surrender values, if any, and paid-up nonforfeiture benefits; and (2) the 1937 Standard Annuity Mortality Table, or the Annuity Mortality Table for 1949, Ultimate, or any modification of either of these tables approved by the commissioner or any other table approved by the commissioner; provided that, in the case of annuity or pure endowment contracts issued after the operative date for the insurer of paragraph (ix) of subsection a. of the standard valuation law, section 17B:19–8, the 3½% maximum interest rate specified in item (1) of this paragraph shall be increased to 4½%, and, if the applicable rates of interest specified in the contract for calculating cash surrender values, if any, and paid-up nonforfeiture benefits exceed 3½%, there shall be substituted for the mortality tables specified in item (2) the 1971 Individual Annuity Mortality Table, or any modification of this table approved by the commissioner or any other table approved by the commissioner.

i. Any cash surrender value and any paid-up nonforfeiture benefit, available under the policy or contract in the event of default in the payment of a premium or stipulated payment due at any time other than on the policy or contract anniversary, shall be calculated with allowance for the lapse of time and the payment of fractional premiums or stipulated payments beyond the last preceding policy or contract anniversary. All values referred to in subsections c. to h. inclusive, may be calculated upon the assumption that any death benefit is payable at the end of the policy or contract year of death. The net value of any paid-up additions, other than paid-up term additions, shall be not less than the dividends used to provide such additions. Notwithstanding the provisions of subsections c. and e., additional benefits pay-

able (1) in the event of death or dismemberment by accident or accidental means, (2) in the event of total and permanent disability, (3) as reversionary annuity or deferred reversionary annuity benefits, (4) as term insurance benefits provided by a rider or supplemental policy provision to which, if issued as a separate policy, this section would not apply, (5) as term insurance on the life of a child or on the lives of children provided in a policy on the life of a parent of the child, if such term insurance expires before the child's age is 26, is uniform in amount after the child's age is one, and has not become paid-up by reason of the death of a parent of the child, and (6) as other policy benefits additional to life insurance, endowment, and annuity benefits, and premiums for all such additional benefits, shall be disregarded in ascertaining cash surrender values and nonforfeiture benefits required by this section, and no such additional benefits shall be required to be included in any paid-up nonforfeiture benefits. Notwithstanding the provisions of subsections c. and e., additional benefits providing the privilege to purchase additional insurance or annuity benefits at some future time without furnishing evidence of insurability, and premiums or stipulated payments therefor, may, with the consent of the commissioner, be disregarded in ascertaining cash surrender values and nonforfeiture benefits required by this section, and no such additional benefits shall be required to be included in any paid-up nonforfeiture benefits.

j. This section shall not apply to any reinsurance contract, group insurance policy, group annuity contract, variable annuity contract, single premium pure endowment or single stipulated payment annuity contract or reversionary annuity contract, nor to any term policy of uniform amount, or renewal thereof, of 15 years or less expiring before age 66, for which uniform premiums are payable during the entire term of the policy, nor to any term policy of decreasing amount on which each adjusted premium, calculated as specified in subsection g. is less than the adjusted premiums so calculated, on such 15-year term policy issued at the same age and for the same initial amount of insurance, nor to any policy or contract which shall be delivered outside this State through an agent or other representative of the insurer issuing the policy or contract.

4. This act shall take effect immediately.

Approved November 22, 1978.

CHAPTER 144

AN ACT to amend and supplement the "Parking Authority Law," approved July 2, 1948 (P. L. 1948, c. 198).

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

1. Section 4 of P. L. 1948, c. 198 (C. 40:11A–4) is amended to read as follows:

C. 40:11A-4 Creation of parking authorities.

4. The governing body of any county or municipality may, by resolution or ordinance, as appropriate, create a public body corporate and politic and a political subdivision of the State to be known as the "Parking Authority of the ....," inserting all or any significant part of the name of the municipality or county creating such authority. The creating resolution or ordinance, as the case may be, may provide that no real property shall be acquired by the power of eminent domain without the consent of the governing body. Such authority shall constitute an agency and instrumentality of the municipality or county creating it. Thereupon the governing body shall, by resolution or ordinance, as appropriate, appoint five persons as commissioners of the authority. The commissioners who are first appointed shall be designated to serve for terms of 1, 2, 3, 4 and 5 years, respectively, from the date of their appointment, but thereafter commissioners shall be appointed as aforesaid for a term of 5 years, except that all vacancies shall be filled for the unexpired term.

The governing body of any county, or of any municipality with a population of 100,000 or more, may by resolution or ordinance, as appropriate, provide for the appointment of two additional commissioners who shall serve 1- and 2-year terms respectively, from the date of their appointment, but thereafter, such commissioners shall be appointed to terms of 5 years, except that all vacancies shall be filled for the unexpired term.

No municipality the area of which has been included (with its consent) within the area of operation of a parking authority created by a county shall thereafter create a parking authority.

Upon the creation of any such authority, the clerk shall certify a copy of the ordinance or resolution creating the parking authority, and also a copy of the resolution or ordinance appointing the

first commissioners thereof, which documents shall be filed with the clerk of the county and be recorded in records of certificates of incorporation, and the clerk of the county shall cause duplicate certified copies of said documents to be filed forthwith with the Secretary of State.

2. (New section) Nothing in this amendatory and supplementary act shall be construed to affect the term of office of any commissioner holding office on the effective date of this act, and any such commissioner shall continue in office as a voting member until the expiration of term for which previously appointed.

3. This act shall take effect immediately.

Approved November 22, 1978.

CHAPTER 145

AN ACT concerning workers' compensation coverage for certain special, reserve or auxiliary policemen and amending sections 34:15–43, 34:15–74, 34:15–75 and 34:15–76 of the Revised Statutes.

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

1. R. S. 34:15–43 is amended to read as follows:

Public employees within workmen's compensation law; definitions; volunteer firemen; active volunteer, first aid or rescue squad worker.

34:15–43. Every officer, appointed or elected, and every employee of the State, county, municipality or any board or commission, or any other governing body, including boards of education, and governing bodies of service districts, and also each and every member of a volunteer fire company doing public fire duty and also each and every active volunteer, first aid or rescue squad worker, including each and every authorized worker who is not a member of the volunteer fire company within which the first aid or rescue squad may have been created, doing public first aid or rescue duty under the control or supervision of any commission, council, or any other governing body of any municipality, any board of fire commissioners of such municipality or of any fire district within the State, or of the board of managers of any State institution,

every county fire marshal and assistant county fire marshal and every special, reserve or auxiliary policeman doing volunteer public police duty under the control or supervision of any commission, council or any other governing body of any municipality, who may be injured in line of duty shall be compensated under and by virtue of the provisions of this article and article 2 of this chapter (sections 34:15–7 et seq.). No former employee who has been retired on pension by reason of injury or disability shall be entitled under this section to compensation for such injury or disability; provided, however, that such employee, despite retirement, shall, nevertheless, be entitled to the medical, surgical and other treatment and hospital services as set forth in R. S. 34:15–15.

As used in this section, the terms "doing public fire duty" and "who may be injured in line of duty," as applied to members of volunteer fire companies, county fire marshals or assistant county fire marshals, and the term "doing public first aid or rescue duty," as applied to active volunteer first aid or rescue squad workers, shall be deemed to include participation in any authorized construction; installation, alteration, maintenance or repair work upon the premises, apparatus or other equipment owned or used by the fire company or the first aid or rescue squad, participation in any authorized public drill, showing, exhibition, fund raising activity or parade, and to include also the rendering of assistance in case of fire and, when authorized, in connection with other events affecting the public health or safety, in any political subdivision or territory of another State of the United States or on property ceded to the Federal Government while such assistance is being rendered and while going to and returning from the place in which it is rendered.

Also, as used in this section, "doing public police duty" and "who may be injured in line of duty" as applied to special, reserve or auxiliary policemen, shall be deemed to include participation in any authorized public drill, showing, exhibition or parade, and to include also the rendering of assistance in connection with other events affecting the public health or safety in the municipality, and also, when authorized, in connection with any such events in any political subdivision or territory of this or any other State of the United States or on property ceded to the Federal Government while such assistance is being rendered and while going to and returning from the place in which it is rendered.

Every member of a volunteer fire company shall be deemed to be doing public fire duty under the control or supervision of any such

commission, council, governing body, board of fire commissioners or fire district or board of managers of any State institution within the meaning of this section, if such control or supervision is provided for by statute or by rule or regulation of the board of managers or the superintendent of such State institution, or if the fire company of which he is a member receives contributions from, or a substantial part of its expenses or equipment are paid for by, the municipality, or board of fire commissioners of the fire district or if such fire company has been or hereafter shall be designated by ordinance as the fire department of the municipality.

Every active volunteer, first aid or rescue squad worker, including every authorized worker who is not a member of the volunteer fire company within which the first aid or rescue squad may have been created, shall be deemed to be doing public first aid or rescue duty under the control or supervision of any such commission, council, governing body, board of fire commissioners or fire district within the meaning of this section if such control or supervision is provided for by statute, or if the first aid or rescue squad of which he is a member or authorized worker receives or is eligible to receive contributions from, or a substantial part of its expenses or equipment are paid for by, the municipality, or board of fire commissioners of the fire district, or if such first aid or rescue squad has been or hereafter shall be designated by ordinance as the first aid or rescue squad of the municipality.

As used in this section and in section 34:15–74 of this chapter, the term "authorized worker" shall mean and include, in addition to an active volunteer fireman and an active volunteer first aid or rescue squad worker, any person performing any public fire duty or public first aid or rescue squad duty, as the same are defined in this section, at the request of the chief or acting chief of a fire company or the president or person in charge of a first aid or rescue squad for the time being.

Nothing herein contained shall be construed as affecting or changing in any way the provisions of any statute providing for sick, disability, vacation or other leave for public employees or any provision of any retirement or pension fund provided by law.

2. R. S. 34:15–74 is amended to read as follows:

Compensation insurance for special reserve or auxiliary policemen, volunteer firemen, volunteer first aid and rescue squad workers.

34:15–74. Except as otherwise provided in this section, the governing body of every municipality and the committee of every

fire district shall provide compensation insurance for special, reserve or auxiliary policemen doing volunteer public police duty, for volunteer firemen doing public fire duty and volunteer first aid and emergency squad workers doing public first aid and rescue duty under the control or supervision of any commission, council or other governing body of the municipality or any board of fire commissioners of such municipality or of any fire district, and the board of chosen freeholders shall provide compensation insurance for county fire marshals and assistant county fire marshals, within the meaning of section 34:15–43 of this chapter. Such insurance shall provide compensation for every such special, reserve or auxiliary policeman, and for every such fireman or authorized first aid or rescue squad worker or county fire marshal or assistant county fire marshal who shall be a member of any first aid or rescue squad created within the fire company of which he is a member or authorized first aid or rescue squad worker, or composed of members and authorized first aid or rescue squad workers of different fire companies in the same municipality for injuries received while acting in response to any call made upon such squad, for first aid or rescue work, whether such call be made because of a fire or otherwise.

The provisions of this section shall not require the governing body of any municipality or the committee of any fire district which contributes to the support of a volunteer fire company or volunteer first aid or rescue squad serving said municipality or district but located, or its headquarters maintained, without said municipality or district to provide compensation insurance for the members of said company or squad who are covered by compensation insurance carried by the municipality or district within which said company or squad is located, or its headquarters maintained, whenever evidence of such insurance coverage is supplied to or otherwise obtained by said governing body or committee, nor shall the provisions of this section require the governing body of any municipality or the committee of any fire district to provide compensation insurance whenever evidence that a fire company has obtained its own insurance coverage is provided to the governing body or committee.

3. R. S. 34:15–75 is amended to read as follows:

Basis of compensation.

34:15–75. Compensation for injury and death, either or both, of any volunteer fireman, county fire marshal, assistant county fire

marshal, volunteer first aid or rescue squad worker, volunteer driver of any municipally-owned or operated ambulance, or of any forest fire warden or forest fire fighter employed by the State of New Jersey, or of any member of a board of education, or of any special reserve or auxiliary policeman doing volunteer public police duty under the control or supervision of any commission, council or any other governing body of any municipality, shall be based upon a weekly salary or compensation conclusively presumed to be received by such person in an amount sufficient to entitle him, or, in the event of his death, his dependents, to receive the maximum compensation by this chapter authorized.

4. R. S. 34:15–76 is amended to read as follows:

Payments of compensation.

34:15–76. All payments of compensation to volunteer firemen, county fire marshals, assistant county fire marshals, volunteer first aid or rescue squad workers, volunteer drivers of any municipally-owned or operated ambulance, or special, reserve or auxiliary policeman doing volunteer public police duty under the control or supervision of any commission, council or any other governing body of any municipality, shall be governed by and be subject to the provisions of this chapter. The premiums therefor shall be paid from the tax levy, and the insurance shall protect such persons from loss by reason of injury or death suffered while engaged in the performance of duty.

5. This act shall take effect immediately.

Approved November 22, 1978.

CHAPTER 146

AN ACT concerning certain fees and costs, and amending N. J. S. 22A:4–19.

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

1. N. J. S. 22A:4–19 is amended to read as follows:

Collection of fees and costs in advance; deposits; accounts.

22A:4–19. Surrogates, registers of deeds and mortgages, county clerks, clerks of courts, sheriffs and the Secretary of State, for

their own protection, may exact in advance of a service the fees and costs therefor.

For convenience, such officers may receive reasonable deposits in advance to meet the fees and costs of persons who may desire such services, except that sheriffs, the Clerk of the Superior Court and the clerks of the County and county district courts shall be required so to do. Such officers shall account to depositors at least once in 4 months for the sums deposited, except that the Clerk of the Supreme Court, the Clerk of the Superior Court, the clerks of the County and county district courts, sheriffs, and the Secretary of State shall so account at least annually.

The Secretary of State shall provide for the establishment of accounts for persons making application therefor, under such terms and conditions as may be fixed by the Secretary of State.

2. This act shall take effect 6 months after enactment.

Approved November 22, 1978.

CHAPTER 147

AN ACT providing for the inclusion of the employees of certain city neighborhood health centers within the classified service of the civil service.

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

C. 11:22-44.6 **Cities having population between 103,000 and 112,000 inhabitants; allocation of civil service titles for neighborhood health center employees.**

1. Every position and employment in a neighborhood health center of a city, having a population between 103,000 and 112,000 inhabitants pursuant to the 1970 Federal Census and operating under Civil Service, which can be allocated to the classified service, in accordance with the provisions of Title 11 of the Revised Statutes, shall be so allocated under appropriate titles as determined by the Civil Service Commission.

2. Every person now holding a subprofessional, paraprofessional or clerical position or employment in the health center including, without limitation, a public health nurse, visiting nurse, public health nutritionist, community specialist and community specialist

aide, and who was so employed on January 1, 1977, after determination of merit and fitness on an individual qualifying basis shall be recorded by the Civil Service Commission as having permanent status in the classified service as of the date of his respective original appointment and shall thereafter be under and subject to all provisions of Title 11 of the Revised Statutes relating to the classified service.

3. This act shall take effect immediately.

Approved November 22, 1978.

CHAPTER 148

AN ACT concerning surrogates and amending N. J. S. 2A:11–2.

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

1. N. J. S. 2A:11–2 is amended to read as follows:

Judge seeking elective office.

2A:11–2. A judge of any court of this State, who becomes a candidate for an elective public office, thereby forfeits his judicial office, but this section shall not apply to a surrogate.

2. This act shall take effect immediately.

Approved November 22, 1978.

CHAPTER 149

AN ACT concerning juvenile and domestic relations courts in certain counties, and supplementing chapter 4 of Title 2A of the New Jersey Statutes.

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

C. 2A:4-4.11 Counties of less than 200,000; judges of juvenile and domestic relations courts; appointment; temporary assignment.

1. The Governor, with the advice and consent of the Senate, shall appoint in each county of the fifth class, having a population of less

than 200,000 according to the 1970 Federal census, an attorney-at-law to be judge of the juvenile and domestic relations court of the county. Each judge, so appointed, shall devote his entire time to his judicial duties, shall not engage in the practice of law, and shall be paid such salary as is provided by law.

Any such judge may be assigned by the Chief Justice of the Supreme Court to hold temporarily the County Court or county district court of his county and, upon such assignment, shall have all the power, authority and jurisdiction of a judge of the County Court or county district court.

The provisions of the chapter to which this act is a supplement in respect to a referendum on appointing a special juvenile court judge shall be inapplicable to any such county. Except as otherwise provided herein, the provisions of the chapter to which this act is a supplement shall be applicable to any judge appointed pursuant to this supplementary act.

2. This act shall take effect immediately.

Approved November 22, 1978.

CHAPTER 150

AN ACT concerning county assistance with respect to Tay-Sachs disease.

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

C. 40:23-8.26 County assistance for testing and treatment of Tay-Sachs disease.

1. A county may appropriate not more than $5,000.00 each year to promote public awareness among prospective parents as to the necessity of testing for Tay-Sachs disease, to establish a referral service whereby such individuals can be tested for the existence of this disease, and, in the case of a county which has no county home or hospital suitable for the treatment of said disease, for and expenses incidental to the diagnosis and treatment of children afflicted with Tay-Sachs disease; provided, however, that a county of the first class having a population in excess of 800,000 may appropriate not more than $10,000.00 each year.

Before spending money for such purposes the governing body shall adopt such rules and regulations as it deems desirable con-

cerning the requirements of residence and eligibility for such relief. Disbursements shall be made through officers designated by the governing body for that purpose on verified bills presented and approved as in the case of other county expenditures.

2. This act shall take effect immediately.

Approved November 22, 1978.

CHAPTER 151

AN ACT providing for the assessment and taxation of certain cranes used in the loading and unloading of containerships as tangible personal property used in business rather than as real property.

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

C. 54:11A-3.2 Cranes and structures; exemption from taxation.

1. For the purposes of assessment of taxes, cranes and structures attached thereto essential to their operation, which are primarily used for the loading and unloading of containers from containerships docked within the various ports and harbors of the State shall be deemed to be tangible personal property used in business and shall not be assessed and taxed as real property.

C. 54:11A-3.3 Severability.

2. The provisions of this act are severable and if any provision of this act, or any part thereof is held unconstitutional, the remaining provisions and parts thereof shall not be affected thereby.

3. This act shall take effect immediately.

Approved November 22, 1978.

CHAPTER 152

AN ACT providing for the creation of solar easements and determining the requirements thereof.

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

C. 46:3-24 Short title.

1. This act shall be known and may be cited as the "Solar Easements Act."

C. 46:3-25 Easement for solar energy device.

2. Any easement obtained for the purpose of exposure of a solar energy device shall be created in writing and shall be subject to the same conveyancing and instrument recording requirements as other easements.

C. 46:3-26 Instrument creating solar easement; contents.

3. Any instrument creating a solar easement shall include, but the contents shall not be limited to:

a. The vertical and horizontal angles, expressed in degrees, at which the solar easement extends over the real property subject to the solar easement.

b. Any terms or conditions or both under which the solar easement is granted or will be terminated.

c. Any provisions for compensation of the owner of the property benefiting from the solar easement in the event of interference with the enjoyment of the solar easement or compensation of the owner of the property subject to the solar easement for maintaining the solar easement.

4. This act shall take effect 30 days following its enactment.

Approved November 22, 1978.

CHAPTER 153

AN ACT to amend the "Medical Malpractice Liability Insurance Act," approved January 30, 1976 (P. L. 1975, c. 301).

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

1. Section 2 of P. L. 1975, c. 301 (C. 17:30D–2) is amended to read as follows:

C. 17:30D-2 Purpose and application of act.

2. a. The purpose of this act is to assure that medical malpractice liability insurance is readily available to licensed medical practitioners and health care facilities by establishing a reinsurance association, requiring the association to reinsure medical mal-

practice liability insurance policies issued by certain providers and permitting the association to write such policies on a direct basis, to determine when the association has sustained a deficit, and to provide for recoupment of losses resulting from the operation of the association through surcharges on insureds and to grant the Commissioner of Insurance temporary emergency powers to set up and operate the reinsurance association if such insurance is unavailable for any class of licensed medical practitioners or health care facilities.

b. This act shall apply to medical malpractice liability insurance as defined herein.

2. Section 3 of P. L. 1975, c. 301 (C. 17:30D–3) is amended to read as follows:

C. 17:30D-3 Definitions.

3. As used in this act:

a. "Association" means the New Jersey Medical Malpractice Reinsurance Association established pursuant to the provisions of this act.

b. "Commissioner" means the Commissioner of Insurance.

c. "Licensed medical practitioner" means and includes all persons licensed in this State to practice medicine and surgery, chiropractic, podiatry, dentistry, optometry, psychology, pharmacy, nursing, physical therapy and as a bioanalytical laboratory director.

d. "Medical malpractice liability insurance" means insurance coverage against the legal liability of the insured and against loss, damage or expense incident to a claim arising out of the death or injury of any person as the result of negligence or malpractice in rendering professional service by any licensed medical practitioner or health care facility or a claim arising out of ownership, operation or maintenance of the practitioner's or facility's business premises, including primary and excess coverages.

e. "Health care facility" means and includes all hospitals within this State, and any other health care facility as defined in the "Health Care Facilities Planning Act" (P. L. 1971, c. 136, C. 26:2H–1 et seq.).

f. "Plan of operation" means the plan of operation of the association approved by the commissioner pursuant to the provisions of this act.

g. "Net direct premium written" means direct written personal injury liability and property damage liability insurance as provided in R. S. 17:17–1d. and e., excluding workmen's compensation

and employer's liability insurance written in connection therewith, less policyholder dividends and return premiums for the unused or unabsorbed portion of premium deposits and excluding premiums ceded to or written by the association.

h. "Provider" means an insurer admitted and licensed in this State to write general liability insurance which has been qualified by the board of directors of the association and has not been disqualified by the commissioner.

3. Section 4 of P. L. 1975, c. 301 (C. 17:30D–4) is amended to read as follows:

C. 17:30D-4 New Jersey Medical Malpractice Reinsurance Association; creation; membership; funds, reserves and accounts.

4. There is hereby created an unincorporated, nonprofit association to be known as the New Jersey Medical Malpractice Reinsurance Association constituting a legal entity separate and distinct from its members. Every insurer authorized to write, and engaged in writing within this State, on a direct basis, personal injury and property damage liability insurance as provided in R. S. 17:17–1 d. and e., excluding such insurers which are engaged in writing only workmen's compensation and employer's liability insurance written in connection therewith shall be and shall continue to be a member of the association and shall be bound by the plan of operation thereof as a condition of its authority to continue to transact such personal injury and property damage liability insurance in this State. All funds and reserves of the association shall be separately held and invested. The association shall maintain complete accounts of all moneys received including investment income and all losses and expenses incurred in connection with its operation. No part of the net earnings of the association shall inure of the benefit of any member insurer.

4. Section 5 of P. L. 1975, c. 301 (C. 17:30D–5) is amended to read as follows:

C. 17:30D-5 Powers of association.

5. The association shall, pursuant to the provisions of this act and the plan of operation, have the power:

a. To assume or cede 100% reinsurance or a lesser percentage on any policy of insurance or binder subject to this act;

b. To provide separate accounts for categories and subcategories of insureds reinsured or insured by the association;

c. To maintain relevant loss, expense and premium data relative to all risks reinsured in or insured by the association and to require

each member to furnish statistics in connection with insurance ceded to the association at such times and in such form and detail as may be deemed necessary;

d. To establish fair and reasonable procedures to assess members whenever the assets of the association and the New Jersey Medical Malpractice Reinsurance Recovery Fund are insufficient to pay claimants as required by this act for their appropriate shares in accordance with participation ratios to be established in the plan of operation on the basis of the ratio of the members' net direct premiums written bears to the total net direct premium written by all members in this State on insurance against liability for damages to persons or property as provided in R. S. 17:17–1d. and e., excluding workers' compensation and employer's liability insurance written in connection therewith;

e. To receive and distribute all sums required by the operation of the association;

f. To establish procedures for reviewing claims procedures and practices of providers and in the event that the claims procedures or practices of any provider are considered inadequate to properly service the risks ceded by it to the association, the association may establish a claims program that will undertake to adjust or assist in the adjustment of claims for the provider on risks ceded by it, and in such event shall charge such provider a reasonable fee for establishing and operating such claim program;

g. To audit the operations of member companies to such extent as the board of directors determines to be necessary to assure compliance with this act, in a reasonable manner and at such reasonable time or times prescribed by the board of directors;

h. To sue and be sued, provided that no judgment against the association shall create any direct liability in the individual member companies, and the association may provide for the indemnification of its member companies, members of the board of directors and officers and employees and such other persons acting on behalf of the association to the extent permitted by law;

i. To review the market for insurance subject to this act throughout this State to make certain that eligible risks can readily obtain such insurance, to provide in the plan of operation a reasonable means for achieving this objective by requiring all members, in a fair and equitable manner, to discharge their responsibilities under this act and to establish for each category or subcategory of insureds limits of liability for medical malpractice liability insurance;

j. To prepare and file rates, rating plans, rules, classifications and policy forms to be used by the association in writing medical malpractice liability insurance on a direct basis;

k. To issue binders or policies of medical malpractice liability insurance in accordance with this act and to adjust and pay losses with respect thereto, or to appoint service companies to perform those functions.

5. Section 7 of P. L. 1975, c. 301 (C. 17:30D–7) is amended to read as follows:

C. 17:30D-7 Plan of operation; review and approval; certification; amendment.

7. a. Within such a time as shall be prescribed by the commissioner in written notice to the board, the directors shall submit to the commissioner, for his review and approval, a proposed plan of operation. Such plan shall provide for the establishment of a permanent board of directors, the length of terms of the directors and the method of their selection, for economical, fair and nondiscriminatory administration and for the prompt and efficient provision of medical malpractice liability insurance throughout the State. Such proposed plan shall include: preliminary assessment of all members for initial expenses necessary to commence operations; establishment of necessary facilities; management of the association; assessment of members; underwriting standards; procedures for acceptance and session of reinsurance; and such other provisions as may be deemed necessary by the commissioner to carry out the purposes of this act. The plan of operation shall provide that the premium charged for reinsurance shall be the premium charged for the coverage and limits ceded less than expense allowances. The expense allowances shall consist of the amounts actually incurred by the provider on the ceded risk subject to a maximum of the total expense allowances provided in rate-making for the respective categories and subcategories of medical malpractice liability insurance in the latest rate revision or experience review for the provider accepted by the commissioner.

b. The proposed plan shall be reviewed by the commissioner and approved by him if he finds that such plan fulfills the purposes of this act. In his review of the proposed plan the commissioner may, in his discretion, consult with the directors and other members of the association and any other individual or organization. If the commissioner approves the proposed plan he shall certify such approval to the directors and said plan shall take effect 10 days after such certification. If the commissioner disapproves all or

any part of the proposed plan of operation he shall return same to the directors with a statement, in writing, of the reasons for his disapproval and any recommendations he may wish to make. The directors may accept the commissioner's recommendations, or may propose a new plan, which accepted recommendations or a new plan shall be submitted to the commissioner within 30 days after the return of a disapproved plan to the directors. If the directors do not submit a proposed plan of operation within the time prescribed by the commissioner, or a new plan which is acceptable to the commissioner, or accept the recommendations of the commissioner within 30 days after the disapproval of a proposed plan, the commissioner shall promulgate a plan of operation and certify same to the directors. Any such plan promulgated by the commissioner shall take effect 10 days after certification to the directors.

c. The directors of the association may, on their own initiative, amend the plan of operation at any time, subject to the approval by the commissioner.

d. The commissioner may review the plan of operation whenever he deems expedient, and shall review same at least once a year, and may amend said plan after consultation with the directors and upon certification to the directors of such amendment.

6. Section 8 of P. L. 1975, c. 301 (C. 17:30D–8) is amended to read as follows:

C. 17:30D-8 Activation of facility; qualified provider; direct insurance; acceptance of risks; noninterference with agents.

8. On and after the date that reinsurance is available from the association:

a. The commissioner after a hearing and on the basis of the facts developed at such hearing may make a finding that medical malpractice liability insurance is not readily available for any category or subcategory of insureds to which this act applies, and after such a finding activate the facility with respect to such category or subcategory.

b. Upon such activation, the board shall issue an invitation to each member of the association which has written during the 24 months preceding the date of such activation medical malpractice liability insurance of the type for which the association was activated anywhere in the United States of America, to become a qualified provider of such coverage in this State. If the board qualifies no company as a provider or if the commissioner determines after a hearing and on the basis of facts developed at such hearing, that the company or companies were not properly qualified,

the commissioner shall order the association to write medical malpractice liability insurance on a direct basis and the association shall file within 30 days rates, rating plans, rules and classifications for the category or subcategory of insureds for which the association will be writing insurance on a direct basis. If the association does not submit such a filing within the prescribed number of days or during any extension granted by the commissioner, the commissioner shall promulgate the rates, rating plans, rules and classifications, certify same and order the association to insure eligible risks in accordance with the terms of his order. Qualified providers shall be compensated in accordance with the provisions of the plan of operation.

c. No member of the association qualified as a provider in accordance with this section shall refuse to issue to any eligible risk a policy of insurance of the type normally afforded by such insurer to the public, utilizing the rates, rating plans, rules and classification systems then in effect for such insurer; provided, however, that the coverages and coverage limits to be afforded may be ceded to the association; and provided further that nothing herein contained shall require an insurer to accept any risk if such insurer's policy forms or rates do not apply to such risk;

d. No duly licensed insurance agent of a qualified provider broker or solicitor shall refuse to furnish to any eligible risk quotations of premiums for such provider with whom such agent, broker or solicitor regularly places medical malpractice liability insurance policies, or shall fail to submit any eligible risk to such provider;

e. No company shall terminate any agent or restrict the authority of any agent, directly or indirectly, or in any manner whatsoever, solely by reason of the volume of such agent's business it cedes to the association or the experience produced by such ceded business. Neither shall any company make any distinction in remuneration to the agent between business retained and business ceded, or use any promise of reward or threat of penalty, present or future, or any device whatever, related to certain classes of risks or other classes of business, which would tend to induce the agent to avoid certain classes or types of risks.

7. Section 9 of P. L. 1975, c. 301 (C. 17:30D–9) is amended to read as follows:

C. 17:30D-9 New Jersey Medical Malpractice Reinsurance Recovery Fund; creation; purpose; administration.

9. There is hereby created a fund to be known as the New Jersey Medical Malpractice Reinsurance Recovery Fund (hereinafter re-

ferred to as the recovery fund). The purpose of the recovery fund is to provide a financial backup for the plan of operation of the association and shall be used to reimburse the association for any deficit sustained in the operation of the association. A deficit shall exist whenever the sum of the earned premiums collected by the association and the investment income therefrom is exhausted by virtue of payment of or allocation for the association's necessary administrative expenses, reimbursements to members for any and all assessments levied as a result of their participation in the association, losses, loss adjustment expenses and reserves, including reserves for losses incurred, losses incurred but not reported and loss adjustment expenses. The recovery fund shall consist of all payments made to it by insurers as hereinafter provided, of securities acquired by and through the use of moneys belonging to the recovery fund, moneys appropriated to the recovery fund, together with interest and accretions earned upon such payments or investments. The recovery fund shall be administered by the commissioner and the State Treasurer in accordance with the provisions of this act.

8. This act shall take effect October 1, 1978.

Approved November 22, 1978.

CHAPTER 154

AN ACT to amend the "Local Public Contracts Law," approved June 9, 1971 (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. Duration of certain contracts. All purchases, contracts or agreements 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, 2 years;

(b) Fuel or oil for use of airplanes, automobiles, motor vehicles or equipment for any term not exceeding in the aggregate, 2 years;

(2) Deleted by amendment;

(3) The collection and disposal of garbage and refuse, for any term not exceeding in the aggregate, 5 years;

(4) The recycling of solid waste, 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 and the Department of Environmental Protection;

(5) Data processing service, for any term of not more than 3 years;

(6) Insurance, for any term of not more than 3 years;

(7) Leasing or servicing of automobiles, motor vehicles, electronic communications equipment, machinery and equipment of every nature and kind, for a period not to exceed 3 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 Public Utility Commissioners for a term not exceeding 5 years;

(9) Any single project for the construction, reconstruction or rehabilitation of any public building, structure or facility, or any public works projects, 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 to county colleges and county assisted institutions of higher education for any term not exceeding 3 years.

All multi-year leases and contracts entered into pursuant to this section 15, 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 Utility Commissioners or construction contracts authorized pursuant to subsection (9) 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 November 22, 1978.

CHAPTER 155

AN ACT to amend "An act to place limits on expenditures by counties and municipalities and supplementing Title 40A of the New Jersey Statutes," approved August 18, 1976 (P. L. 1976, c. 68, C. 40A:4-45.1 et seq.).

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

1. Section 7 of P. L. 1976, c. 68 is amended to read as follows:

Effective date amended.

7. This act shall take effect immediately and be applicable to the tax years beginning in 1977 and shall expire December 31, 1982.

2. This act shall take effect immediately.

Approved November 22, 1978.

CHAPTER 156

AN ACT to extend the expiration date of the "State Expenditures Limitation Act," and amending P. L. 1977, c. 22.

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

1. Section 4 of P. L. 1977, c. 22 (C. 52:9H-13) is amended to read as follows:

C. 52:9H-13 Effective date and expiration of act.

4. This act and the act to which this is a supplement shall take effect immediately and shall expire on June 30, 1983.

2. This act shall take effect immediately.

Approved November 24, 1978.

CHAPTER 157

AN ACT appropriating $4,000,000.00 from the Beaches and Harbor Fund for State matching grants to municipalities to research, plan, acquire, develop, construct and maintain beach restoration, maintenance and protection facilities, projects and programs; directing the Department of Environmental Protection to prepare a comprehensive beach protection plan and to research a funding formula for such facilities and to report to the Legislature on such funding formula; and providing for possible reimbursement to certain municipalities based on such formula.

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

1. The Legislature finds and determines that:

a. The voters of New Jersey on November 8, 1977 approved the Beaches and Harbors Bond Act of 1977 authorizing $30,000,000.00 for the purposes of researching, planning, acquiring, developing, constructing and maintaining beach and harbor restoration, maintenance and protection facilities, projects and programs.

b. It is the intent of the Legislature that $20,000,000.00 from the Beaches and Harbors Bond Act of 1977 be allocated toward the research, planning, acquiring, developing, constructing and maintaining beach restoration maintenance and protection facilities, projects and programs as recommended by the New Jersey Commission on Capital Budgeting and Planning and the Department of Environmental Protection.

c. To achieve the purposes of the Beaches and Harbors Bond Act of 1977 a comprehensive beach protection plan for a 5-year capital program should be developed by the Department of Environmental Protection.

2. Of the $30,000,000.00 authorized by the "Beaches and Harbors Bond Act of 1977," the sum of $20,000,000.00 is hereby allocated for State matching grants to municipalities for the researching, planning, acquiring, developing, constructing and maintaining of beach restoration, maintenance and protection facilities, projects and programs, which grants shall be made in accordance with the provisions of this act.

3. There is hereby appropriated to the State Department of Environmental Protection from the Beaches and Harbor Fund created pursuant to the "Beaches and Harbors Bond Act of 1977" (P. L. 1977, c. 208) the sum of $4,000,000.00 for the purpose of State matching grants to municipalities for researching, planning, acquiring, developing, constructing and maintaining beach restoration, maintenance and protection facilities, projects and programs including administrative costs. State grants to municipalities shall provide a minimum of 50% of the costs with a maximum of 50% to be provided by grantee municipalities.

4. Such sums shall be made available by the sale of bonds authorized by the "Beaches and Harbors Bond Act of 1977" (P. L. 1977, c. 208).

5. Within 90 days of the effective date of this act the Department of Environmental Protection is directed to prepare a comprehensive beach protection plan for a 5-year capital program for beach protection facilities, projects and programs. Such plan shall serve as the basis for State matching grants to municipalities for the $20,000,000.00 allocated pursuant to section 2 of this act; provided, however, that the department is hereby authorized, prior to the preparation of such plan, to make such grants as the department deems immediately necessary in order to prevent or alleviate damage to the beach areas of this State.

6. The Department of Environmental Protection is directed to research and develop a funding formula for State matching grants made under this act, taking into consideration the need of a municipality for beach protection, the benefit to a municipality from a proposed beach protection project, the ability of a municipality to pay their matching share and the availability of beaches within the municipality for members of the general public. In no case shall a State grant exceed 75% or be less than 50% of the cost of a beach protection project.

7. Within 90 days of the effective date of this act, the Department of Environmental Protection shall report to the New Jersey Legislature on the recommended funding formula. Such formula shall be used unless, within 60 days of the date of such reporting, the Legislature shall pass a concurrent resolution stating in substance that the Legislature does not favor such formula.

8. The Department of Environmental Protection shall apply the formula developed pursuant to this act, unless disapproved by the Legislature as provided in section 7 herein, to all State beach pro-

tection grants made after the expiration date for legislative disapproval of the formula. In the case of 50% matching grants under this act made prior to the expiration date for legislative disapproval of the formula, the Department of Environmental Protection shall review such grants and shall reimburse those municipalities which, under the formula, are determined to have been eligible for more than 50% in State matching funds, had the formula been applied to them at the time the 50% grant was made.

9. The expenditure of the sums appropriated by this act are subject to the provisions and conditions of P. L. 1977, c. 208.

10. The department is hereby empowered and directed, pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B–1 et seq.) to promulgate such rules and regulations concerning grant application and approval procedures as are necessary in order to implement the provisions of this act.

11. This act shall take effect immediately.

Approved November 24, 1978.

CHAPTER 158

AN ACT concerning State aid for education and amending N. J. S. 18A:39–15, N. J. S. 18A:46–23, N. J. S. 18A:58–7 and the "Public School Education Act of 1975," approved September 29, 1975 (P. L. 1975, c. 212).

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

1. N. J. S. 18A:39–15 is amended to read as follows:

State aid for joint transportation.

18A:39–15. If the county superintendent of the county in which the districts are situate shall approve the necessity, the cost, and the method of providing such joint transportation and the agreement whereby the same is to be provided, each such board of education providing joint transportation shall be entitled to State aid in an amount equal to 90% of its proportionate share of the cost of such transportation pursuant to the terms of such agreement.

2. N. J. S. 18A:46–23 is amended to read as follows:

Transportation of pupils; State aid.

18A:46–23. The board of education shall furnish daily transportation within the State to all children found under this chapter to be handicapped who shall qualify therefor pursuant to law and it shall furnish such transportation for a lesser distance also to any handicapped child, if it finds upon the advice of the examiner, his handicap to be such as to make such transportation necessary or advisable.

The school district shall be entitled to State aid for such daily transportation in the amount of 90% of the cost to the district of furnishing such transportation to a program approved under this chapter in New Jersey when the necessity for such transportation and the cost and method thereof have been approved by the county superintendent of the county in which the district paying the cost of such transportation is situate.

3. N. J. S. 18A:58–7 is amended to read as follows:

Transportation of pupils.

18A:58–7. Each district shall also be paid 90% of the cost to the district of transportation of pupils to a school when the necessity for such transportation and the cost and method thereof have been approved by the county superintendent of the county in which the district paying the cost of such transportation is situate. Such aid shall be paid for elementary pupils who live beyond 2 miles from their school of attendance and secondary pupils who live 2½ miles from their school attendance.

4. Section 3 of P. L. 1975, c. 212 (C. 18A:7A–3) is amended to read:

C. 18A:7A-3 Definitions.

3. For the purposes of this act, unless the context clearly requires a different meaning:

"Administrative order" means a written directive ordering specific corrective action by a district which has shown insufficient educational progress within a reasonable period of time in meeting goals and standards.

"Approved special class pupil" means a pupil enrolled in any class for atypical pupils pursuant to chapter 46 of Title 18A of the New Jersey Statutes.

"Approved special education services pupil" means a pupil receiving specific services pursuant to chapter 46 of Title 18A of the New Jersey Statutes but excluding pupils attending county special services school districts.

"Bilingual education pupil" means a pupil enrolled in a program of bilingual education approved by the State board.

"Budgeted capital outlay" means those capital outlay expenditures that are included in the annual school budget.

"Categorical programs" means those programs and services recognized in this act as requiring per pupil expenditures over and above those applicable to regular programs, as provided in section 20 of this act.

"Current expense" means all expenses of the school district, as enumerated in N. J. S. 18A:22–8, other than those required for interest and debt redemption charges and any budgeted capital project.

"Debt service" means and includes payments of principal and interest upon school bonds and other obligations issued to finance the acquisition of school sites and the acquisition, construction or reconstruction of school buildings, including furnishings, equipment and the costs of issuance of such obligations and shall include payments of principal and interest upon bonds heretofore issued to fund or refund such obligations, and upon municipal bonds and other obligations which the commissioner approves as having been issued for such purposes. Debt service pursuant to the provisions of P. L. 1971, c. 10 (C. 18A:58–33.6 et seq.) and P. L. 1968, c. 177 (C. 18A:33.2 et seq.) is excluded.

"District equalized valuation per pupil" means the quotient resulting from dividing the total equalized valuations in the school district by the resident enrollment of the district; provided that in the determination of the equalized valuation per pupil of a county vocational school the total equalized valuations in the county shall be divided by the total resident enrollment in all school districts of the county to obtain the county vocational school equalized valuation per pupil.

"Equalized valuations" means the equalized valuation of the taxing district or taxing districts as certified by the Director of the Division of Taxation on October 1 of the pre-budget year.

With respect to regional districts and their constituent districts, however, the equalized valuations as described above shall be allocated among the regional and constituent districts in proportion to the number of pupils in each of them.

"Evening school pupils" means the equated full-time resident enrollment of pupils enrolled in an accredited evening high school, an evening vocational high school, and in other evening schools

except schools offering programs for self-improvement and social enrichment.

"Goals" means a written statement of educational aspirations for learner achievement and the educational process stated in general terms.

"Guaranteed valuation per pupil" means the product, rounded to the nearest dollar, of 1,344 times the State average valuation per pupil for the year in which the calculation of aid is made.

"Joint Committee on the Public Schools" means the Committee created pursuant to P. L. 1975, c. 16 (C. 52:9R–1 et seq.).

"Local vocational pupils" means the full-time equivalent of pupils enrolled in approved categorical vocational programs in school districts designated as local area vocational school districts.

"Minimum aid guaranteed valuation per pupil" means the product, rounded to the nearest whole dollar, of 11.5 times the State average equalized valuation per pupil for the year in which the calculation of aid is made.

"Needs assessment" means a written analysis of the current status of an educational system in terms of achieving its goals.

"Net current expense budget" means the balance after deducting (1) State support for categorical programs pursuant to section 20 of this act, (2) the difference between the transportation amount in the current expense budget and 10% of the estimated approved transportation amount, and (3) all other revenue in the current expense budget except the amount to be raised by local taxation, equalization State support, and State support for approved transportation.

"Net current expenses per pupil" means the quotient resulting from dividing the net current expense budget by the resident enrollment.

"Net debt service and budgeted capital outlay" means the balance after deducting all revenues from the school debt service and budgeted capital outlay budgets of the school district and the school debt service amount included in the municipal budget, except the amount to be raised by local taxation and State support.

"Objective" means a written statement of the intended outcome of a specific educational process.

"Pre-budget year" means the school year preceding the year in which the school budget will be implemented.

"Resident enrollment" means the number of pupils who are resident of the district and are enrolled in day or approved evening schools on the last school day of September of the pre-budget year

and are attending the public schools of the district or a school district or State college demonstration school to which the district of residence pays tuition; provided that a district shall count pupils regularly attending both the schools of the district and of a county vocational school in the same county on an equated full-time basis.

"Standards" means the process and stated levels of proficiency used in determining the extent to which goals and objectives are being met.

"State average net current expense budget per pupil" means the quotient resulting from dividing the total net current expense budget of all districts in the State by the total resident enrollment in the State.

"State average valuation per pupil" means the quotient resulting from dividing the total equalized valuations in the State as certified by the Director of the Division of Taxation on October 1 by the total resident enrollment in the State. In the event that the equalized table certified by the Director of the Division of Taxation shall be revised by the Division of Tax Appeals on or before January 30 of the next succeeding year, such revised valuation shall be used in any recomputation of aid for an individual district filing such appeal but will have no effect upon the State average valuation per pupil.

"State compensatory education pupil" means a pupil who is enrolled in preventive and remedial programs, approved by the State board, supplemental to the regular programs and designed to assist pupils who have academic, social, economic or environmental needs that prevent them from succeeding in regular school programs.

"State support limit" means the sixty-fifth percentile net current expense budget per pupil for the prebudget year when all district figures are ranked from low to high. The State support limit shall be calculated and applied separately for (a) limited purpose regional districts offering grades 9 through 12, (b) limited purpose regional districts offering grades 7 through 12, provided, however, that the figure used for such districts shall be not less than 90% of the sixty-fifth percentile for limited purpose regional districts offering grades 9 through 12, (c) constituent districts of limited purpose regional districts offering grades 9 through 12, (d) constituent districts of limited purpose regional districts offering grades 7 through 12, provided, however, that the figure used for such districts shall be not less than 90% of the sixty-fifth percentile

for constituent districts of limited purpose regional districts offering grades 9 through 12, and (e) all other districts.

5. Section 18 of P. L. 1975, c. 212 (C. 18A:7A–18) is amended to read as follows:

C. 18A:7A-18 Equalization support for current expenses.

18. Equalization support for current expenses of all school districts shall be paid in accordance with the calculations contained in subsections a. or b. whichever results in a greater amount of aid:

a. Divide the district equalized valuation per pupil by the guaranteed valuation per pupil and subtract the quotient from 1.0000 to obtain the district's State support ratio.

Multiply the district's State support ratio by the smaller of (1) the net current expense budget for the prebudget year or (2) the product of the resident enrollment and the State support limit.

b. Divide the district's equalized valuation per pupil by the minimum aid guaranteed valuation per pupil, subtract the quotient from 1.0000 and multiply the remainder by 10% to obtain the district's minimum aid State support ratio.

Multiply the district's minimum aid State support ratio by the product of the resident enrollment and the State support limit.

6. Section 24 of P. L. 1975, c. 212 (C. 18A:7A–24) is amended to read as follows:

State aid to county vocational school districts; calculation.

24. State support for county vocational school districts shall be paid in accordance with the following calculations:

a. Equalization support for current expenses of county vocational school districts shall be paid in accordance with the calculations in paragraphs (1) or (2) whichever results in the greater amount of aid:

(1) Divide the county equalized valuations per pupil by the guaranteed valuation per pupil and subtract the quotient from 1.0000 to obtain the county vocational school's State support ratio.

Multiply the State support ratio by the smaller of (1) the net current expense budget for the prebudget year or (2) the product of the resident enrollment multiplied by 175% of the Statewide sixty-fifth percentile net current expense budget per pupil for the prebudget year when all district figures are ranked from low to high.

(2) Divide the county equalized valuations per pupil by the minimum aid guaranteed valuation per pupil, subtract that quotient

from 1.0000 and multiply the remainder by 10% to obtain the county vocational school's minimum aid State support ratio. Multiply the county vocational school's minimum aid State support ratio by the product of the resident enrollment multiplied by 175% of the statewide sixty-fifth percentile net current expense budget per pupil for the prebudget year when all district figures are ranked from low to high.

b. Debt service and budgeted capital outlay support for county vocational schools shall be calculated in accordance with section 19 of this act.

7. This act shall take effect immediately.

Approved November 27, 1978.

CHAPTER 159

AN ACT concerning community residences for the developmentally disabled, and supplementing the "Municipal Land Use Law," approved January 14, 1976 (P. L. 1975, c. 291).

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

C. 40:55D-66.1 Community residences for developmentally disabled.

1. Community residences for the developmentally disabled shall be a permitted use in all residential districts of a municipality, and the requirements therefor shall be the same as for single family dwelling units located within such districts; provided, however, that, in the case of a community residence for the developmentally disabled housing more than six persons, excluding resident staff, a zoning ordinance may require for the use or conversion to use of a dwelling unit to such a community residence, a conditional use permit in accordance with section 54 of the act to which this act is a supplement (C. 40:55D–67). Any requirements imposed for the issuance of a conditional use permit shall be reasonably related to the health, safety and welfare of the residents of the district; provided, however, that a municipality may deny such a permit to any proposed community residence for the developmentally disabled which would be located within 1500 feet of an existing such residence; provided further, however, that a municipality may deny the issuance of any additional such permits if the number of develop-

mentally disabled and mentally ill persons resident at existing such community residences within the municipality exceeds 50 persons, or 0.5% of the population of the municipality, whichever is greater.

C. 40:55D-66.2 Definitions.

2. As used in this act, "community residence for the developmentally disabled" means any community residential facility licensed pursuant to P. L. 1977, c. 448 (C. 30:11B–1 et seq.) providing food, shelter and personal guidance, under such supervision as required, to not more than 15 developmentally disabled or mentally ill persons, who require assistance, temporarily or permanently, in order to live in the community, and shall include, but not be limited to: group homes, half-way houses, intermediate care facilities, supervised apartment living arrangements, and hostels. Such a residence shall not be considered a health care facility within the meaning of the "Health Care Facilities Planning Act" (P. L. 1971, c. 136; C. 26:2H–1 et seq.). In the case of such a community residence housing mentally ill persons, such residence shall have been approved for a purchase of service contract or an affiliation agreement pursuant to such procedures as shall be established by regulation of the Division of Mental Health and Hospitals of the Department of Human Services. As used in this act, "developmentally disabled person" means a person who is developmentally disabled as defined in section 2 of P. L. 1977, c. 448 (C. 30:11B–2), and "mentally ill person" means a person who is afflicted with a mental illness as defined in R. S. 30:4–23, but shall not include a person who has been committed after having been found not guilty of a criminal offense by reason of insanity or having been found unfit to be tried on a criminal charge.

C. 40:55D-66.3 Severability.

3. If any provision of this act or the application thereof to any person or circumstance is found unconstitutional, the remainder of this act and the application of such provisions to other persons or circumstances shall not be affected thereby, and to this end the provisions of this act are severable.

4. This act shall take effect immediately.

Approved December 7, 1978.

CHAPTER 160

AN ACT concerning group life insurance and amending N. J. S. 17B:27-3.

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

1. N. J. S. 17B:27-3 is amended to read as follows:

Credit groups.

17B:27-3. A policy issued to a creditor or to a trustee or trustees or agent designated by two or more creditors, which creditor, trustee, trustees or agent shall be deemed to be the policyholder, to insure debtors of the creditor or creditors subject to the following requirements:

a. The debtors eligible for insurance under the policy shall be all of the debtors of the creditor or all except any as to whom evidence of individual insurability is not satisfactory to the insurer whose indebtedness is repayable either (1) in installments, or (2) in one sum at the end of a period not in excess of 18 months from the initial date of debt, or all of any class or classes thereof determined by conditions pertaining to the indebtedness or to the purchase giving rise to the indebtedness. The policy may provide that the term "debtors" shall include the debtors of one or more subsidiary corporations and the debtors of one or more affiliated corporations, proprietors or partnerships, if the business of the policyholder and of such affiliated corporations, proprietors or partnerships is under common control through stock ownership, contract, or otherwise. The term "debtors" may also include intended borrowers pursuant to a program for defraying the cost of attendance of a student at a college or a university, which program shall include provision for immediate periodic payments by the parent or guardian of such student and a loan commitment to such parent or guardian by a financial institution or by or in behalf of a college or university to defray the cost of attendance at such college or university in excess of the accumulated periodic payment by the parent or guardian.

b. The premiums for the policy shall be paid by the policyholder, either from the creditor's funds or from charges collected from the insured debtors, or from both. A policy on which part or all of the premium is to be derived from the collection from the

insured debtors of identifiable charges not required of uninsured debtors shall not include, in the class or classes of debtors eligible for insurance debtors under obligations outstanding at its date of issue without evidence of individual insurability unless at least 75% of the then eligible debtors elect to pay the required charges. A policy on which no part of the premium is to be derived from the collection of such identifiable charges must insure all eligible debtors or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

c. The policy may be issued only if the group of eligible debtors is then receiving new entrants at the rate of at least 100 persons yearly or may reasonably be expected to receive at least 100 new entrants during the first policy year, and only if the policy reserves to the insurer the right to require evidence of individual insurability if less than 75% of the new entrants become insured. The policy may exclude from the classes eligible for insurance classes of debtors determined by age.

d. The amount of insurance on any person insured under a policy shall not at any time exceed the lesser of (1) the amount of unpaid indebtedness due from such person or in the case of an outstanding loan commitment under a program for defraying the cost of attendance of a student at a college or a university, the balance of any outstanding loan commitment reduced by scheduled periodic payments by the debtor, and (2) in the case of transactions secured by a real estate mortgage, the sum of $75,000.00, and, in all other cases, $40,000.00. Where the indebtedness is repayable in one sum to the creditor the insurance on the life of any debtor shall in no instance be in effect for a period in excess of 18 months except that such insurance may be continued for an additional period not exceeding 6 months in the case of default, extension or recasting of the loan.

e. The insurance shall be payable to the policyholder, and such payments shall reduce or extinguish the unpaid indebtedness of the debtor to the extent of such payment.

2. This act shall take effect immediately.

Approved December 7, 1978.

CHAPTER 161

AN ACT concerning the ownership or operation of businesses regulated pursuant to Title 24 (Food and Drugs) of the Revised Statutes.

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

C. 24:2-7 Consolidated certificate of operation; issuance.

1. Any person who owns or operates upon the same premises more than one business which is regulated pursuant to Title 24 (Food and Drugs) of the Revised Statutes shall be entitled to own or operate such businesses upon the issuance by the Commissioner of Health of a consolidated certificate of operation. Such certificate shall be issued in lieu of individual licenses which would otherwise be required by the Department of Health for the ownership or operation of each separate business and may be suspended or revoked in whole or in part for the operation of one or more of such businesses in violation of any statute or rule or regulation of the commissioner.

C. 24:2-8 Fee.

2. The commissioner shall establish a fee for the issuance of such certificate which shall not exceed the combined cost of the individual licenses which would otherwise be required for the operation of each of the businesses.

3. This act shall take effect 60 days following enactment.

Approved December 7, 1978.

CHAPTER 162

AN ACT concerning public restrooms in places of employment or public accommodation.

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

C. 26:4B-1 Public restrooms; units with or without charge.

1. Any place of employment or of public accommodation which maintains public restrooms shall make available at least one-half

of the units in each such restroom without charge and shall charge equally for the use of the remaining units designated for men and women. Where a public restroom has only one unit, that unit shall be made available without charge. For the purpose of this act "unit" shall include only toilets and "one-half" means the number of units divided by two, but where such division results in a whole number and a fraction, "one-half" means said whole number.

C. 26:4B-2 Admission keys.

2. Whenever restroom entry doors are secured by a lock, admission keys shall be provided without charge upon request and notice as to the availability of such keys shall be posted on the entry door.

C. 26:4B-3 Violation of act; penalty.

3. Any person owning or operating a place of employment or public accommodation which violates this act is a petty disorderly person.

4. This act shall take effect 90 days after enactment.

Approved December 7, 1978.

CHAPTER 163

AN ACT to amend "An act providing for the expunging from the records of certain courts of the records of commitments to mental institutions in certain cases," approved July 25, 1953 (P. L. 1953, c. 268).

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

1. Section 1 of P. L. 1953, c. 268 (C. 30:4–80.8) is amended to read as follows:

C. 30:4-80.8 Application for relief.

1. Any person who has been, or shall be, committed, by order of any court or by voluntary commitment, to any institution or facility providing mental health services and who was, or shall be, discharged from such institution or facility as recovered, or whose illness upon discharge, or subsequent thereto, is substantially improved or in substantial remission, may apply to the court by which such commitment was made, or, if voluntarily com-

mitted, to the county court in the county in which the person resides, by verified petition setting forth the facts and praying for the relief provided for in this act.

2. This act shall take effect immediately.

Approved December 7, 1978.

CHAPTER 164

AN ACT concerning county detectives and amending N. J. S. 2A:157–4.

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

1. N. J. S. 2A:157–4 is amended to read as follows:

County detectives in second class counties; appointment; annual salaries.

2A:157–4. a. In counties of the second class having a population in excess of 500,000 there may be appointed not in excess of 28 county detectives, of whom one may be designated chief of county detectives, one deputy chief of county detectives, one captain of county detectives, six lieutenants of county detectives and four sergeants of county detectives.

b. In counties of the second class having a population between 460,000 and 500,000 there may be appointed not in excess of 28 county detectives, of whom one may be designated chief of county detectives, one deputy chief of county detectives, four captains of county detectives and six lieutenants of county detectives.

c. In counties of the second class having a population between 400,000 and 460,000, there may be appointed not in excess of 24 county detectives, of whom one may be designated chief of county detectives, one captain of county detectives, four lieutenants of county detectives, and two sergeants of county detectives.

d. In the counties of the second class having a population of 400,000 or under, there may be appointed not in excess of 12 county detectives of whom one may be designated chief of county detectives, one captain of county detectives, and one lieutenant of county detectives.

e. Their annual salaries shall be fixed as follows: chief of county detectives, not less than $9,500.00; deputy chief of county detectives

not less than $9,000.00; captain of county detectives, not less than $8,000.00; lieutenant of county detectives, not less than $7,000.00; sergeant of county detectives, not less than $6,500.00; and other county detectives, not less than $6,000.00.

2. This act shall take effect immediately.

Approved December 7, 1978.

CHAPTER 165

AN ACT concerning taxation and providing criminal penalties for unauthorized disclosure of tax returns in certain cases, and amending R. S. 54:50–8.

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

1. R. S. 54:50–8 is amended to read as follows:

Records and files confidential; violations; penalty.

54:50–8. a. The records and files of the commissioner respecting the administration of this subtitle or of any State tax law shall be considered confidential and privileged and neither the commissioner nor any employee engaged in the administration thereof or charged with the custody of any such records or files, nor any former officer or employee, nor any person who may have secured information therefrom under subdivisions "d", "e", "f", or "g" of section 54:50–9 of this Title or any other provision of State law, shall divulge or disclose any information obtained from the said records or files or from any examinations or inspection of the premises or property of any person. Neither the commissioner nor any employee engaged in such administration or charged with the custody of any such records or files shall be required to produce any of them for the inspection of any person or for use in any action or proceeding except when the records or files or the facts shown thereby are directly involved in an action or proceeding under the provisions of this subtitle or of the State tax law affected, or where the determination of the action or proceeding will affect the validity or amount of the claim of the State under some State tax law, or in any lawful proceeding for the investigation and prosecution of any violation of the criminal provisions of this subtitle or of any State tax law.

b. The prohibitions of this section, against unauthorized disclosure by any present or former officer or employee of this State or any other individual having custody of such information obtained pursuant to the explicit authority of State law, shall specifically include, without limitation, violations involving the divulgence of any information from or any copy of a Federal return or Federal return information required by New Jersey law to be attached to or included in any New Jersey return. Any person violating this section shall be guilty of a misdemeanor and shall be punished by a fine not to exceed $1,000.00, or be imprisoned not to exceed 1 year, or both.

2. This act shall take effect immediately.

Approved December 7, 1978.

CHAPTER 166

AN ACT concerning contributions by certain policemen to the Police and Firemen's Pension Fund.

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

C. 43:16A-4.1 **Contribution to fund for certain periods of employment separation.**

1. Notwithstanding the provisions of section 4 of P. L. 1944, c. 255 (C. 43:16A–4) all persons presently employed as policemen by a borough having a population between 8,400 and 8,500 inhabitants according to the 1970 census, and located in a second-class county, which employment with said borough was terminated for a period of less than 4 years and who prior to said termination were members of the Police and Firemen's Pension Fund, shall be permitted to make contributions covering such a period of termination on the basis of rates established by the actuary, provided the respective borough makes the necessary employer contribution to the fund covering such period of termination on the basis of rates established by the actuary.

2. This act shall take effect immediately.

Approved December 22, 1978.

CHAPTER 167

AN ACT to amend "An act to provide for the establishment of a coordinating agency for higher education in counties granting assistance to qualified junior colleges pursuant to P. L. 1941, c. 43 (C. 40:23–8.2) or P. L. 1962, c. 42 (C. 40:23–8.2a), defining its powers and duties, and supplementing chapter 64B of Title 18A of the New Jersey Statutes," approved July 19, 1968 (P. L. 1968, c. 180).

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

1. Section 2 of P. L. 1968, c. 180 (C. 18A:64B–6) is amended to read as follows:

C. 18A:64B-6 County coordinating agency; membership; appointment; terms; vacancies; compensation.

2. The coordinating agency for higher education shall consist of two residents of the county nominated by the governing board of the county assisted college; two residents of the county nominated by the governing board of each public educational institution, other than a high school or a State college, located in the county and offering terminal programs of instruction above the level of a high school to high school graduates; the county superintendent of schools; and six residents of the county having no present official connection with the educational institutions hereinbefore mentioned. In the event the coordinating agency contracts for services with any other post-secondary institutions, each such institution may nominate a resident of the county to serve as a nonvoting member of the coordinating agency.

Except for the county superintendent of schools, all appointments shall be made by the chairman of the board of chosen freeholders with the advice and consent of that board for terms of 4 years each. Terms of all members of the agency shall begin on November 1. 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. The members of the agency shall serve without compensation for their services, but shall be entitled to

receive reimbursement for all reasonable and necessary expenses incurred by virtue of service of the member for the agency.

2. This act shall take effect immediately.

Approved December 22, 1978.

CHAPTER 168

AN ACT to amend "An act for the uniform control and licensing of dogs and kennels to aid in preventing the spread of rabies, and repealing sections 4:19–10, 4:19–11, 4:19–12, 4:19–13, 4:19–14, 4:19–15, 40:52–5 and 40:52–6 of the Revised Statutes," approved May 24, 1941 (P. L. 1941, c. 151).

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

1. Section 12 of P. L. 1941, c. 151 (C. 4:19–15.12) is amended to read as follows:

C. 4:19-15.12 Fixing license fee.

12. a. The governing body of each municipality may, by ordinance, fix the sum to be paid annually for a dog license and each renewal thereof, as required by section 3 of this act, which sum shall be not less than $1.50 nor more than $7.00; provided however, that the governing body may by ordinance, provide for a reduction or waiver of the sum to be paid by an owner who presents a certificate signed by a licensed veterinarian stating that the dog has been spayed or neutered. In the absence of any local ordinance, the fee for all dog licenses shall be $1.50.

b. The governing body of each municipality, may, by ordinance, fix the sum to be paid for a 3-year dog license and each renewal thereof, which sum shall be not more than 3 times the sum charged for an annual license under subsection a. of this section. In the absence of such a local ordinance, the license fee for a 3-year dog license shall be $4.50. The Department of Health shall promulgate appropriate regulations concerning veterinarians' certificates for rabies innoculations of dogs for 3-year periods in connection with licenses issued under this subsection.

2. This act shall take effect immediately.

Approved December 22, 1978.

CHAPTER 169

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, 1979 and regulating the disbursement thereof," approved June 30, 1978 (P. L. 1978, c. 60).

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

1. The indicated portions of the following appropriations made by P. L. 1978, c. 60 are hereby cancelled:

GENERAL STATE FUND
STATE AID

DEPARTMENT OF EDUCATION

31100. General Assistance to Local Educational Agencies—State Aid

31110-500.	General Formula Aid	$11,000,000

Grants-in-aid:
Current expense equalization aid ... ($11,000,000)

PROPERTY TAX RELIEF FUND
STATE AID

DEPARTMENT OF TREASURY

77220. Financial Aid to Counties and Municipalities State Subsidies and Services—State Aid—Property Tax Relief Fund

77210-240.	Homestead Exemptions	$11,000,000

Extraordinary:
Payments to homeowners for homestead exemptions ... ($11,000,000)

Grand Total Canceled Appropriations, All Funds ... $22,000,000

2. The following sums are hereby appropriated out of the source of funds specifically indicated for the purposes herein specified:

PROPERTY TAX RELIEF FUND
STATE AID

DEPARTMENT OF EDUCATION

General Assistance for Public and Nonpublic Education

31100. General Assistance to Local Educational Agencies—State Aid—Property Tax Relief Fund

31100-500. General Formula Aid $11,000,000

Grants-in-aid:
Current expense equalization aid .... ($11,000,000)
Total Appropriation, Property Tax Relief Fund $11,000,000

The amount hereinabove is hereby appropriated from the Property Tax Relief Fund.

CASINO REVENUE FUND
STATE AID

DEPARTMENT OF TREASURY

State Subsidies and Services—State Aid

77220. Homestead Exemptions $7,500,000

Extraordinary:
Payments to senior citizen or disabled homeowners for the additional exemption of $50 permitted under the Homestead Exemption Program ($7,500,000)

In addition to the amount provided hereinabove for Homestead Exemptions, an amount of $3,500,000 shall be transferred from the appropriation made to the Department of Community Affairs for Programs for Aging in order that such funds may be available for payments to senior citizen or disabled homeowners for the additional exemption of $50 permitted under the Homestead Exemption Program.

Total Appropriation, Casino Revenue Fund $7,500,000

The amount hereinabove is hereby appropriated from the Casino Revenue Fund.

3. The following sums are hereby appropriated out of the General State Fund for the purposes herein specified:

DEPARTMENT OF HUMAN SERVICES

53100. Medical Assistance and Health Services

53120. General Medical Services	$11,000,000
Extraordinary:	
Pharmaceutical assistance to the aged ($11,000,000)	
Total Appropriation, General State Fund	$11,000,000

4. This act shall take effect immediately and be retroactive to July 1, 1978. To the extent that expenditures have been made against appropriations that have been canceled by this act, such expenditures shall be transferred to corresponding appropriations made by this act.

Approved December 22, 1978.

CHAPTER 170

AN ACT authorizing governing bodies of counties to make appropriations to certain health and welfare councils.

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

C. 40:23-8.27 Legislature's findings.

1. The Legislature hereby finds that there is a need for improved planning and coordination among public and private agencies, organizations and institutions providing health and welfare programs and services to community residents. The Legislature further finds that because private, nonprofit health and welfare councils are providing such needed planning and coordination, it is in the public interest to authorize counties to appropriate funds for the purpose of helping to defray expenses incurred by such health and welfare councils in the provision of these services.

C. 40:23-8.28 Appropriation of funds to private, nonprofit health and welfare councils.

2. The governing body of any county may annually appropriate funds in an amount not to exceed $7,500.00 to any private, non-

profit health and welfare council engaged in reviewing, developing, promoting and coordinating in an advisory and consultative capacity, health and welfare programs and services offered by any public or private agency, organization or institution in that county, for the purpose of helping to defray expenses incurred by such council in the provision of the aforesaid services.

3. This act shall take effect immediately.

Approved December 22, 1978.

CHAPTER 171

AN ACT to amend and supplement "An act to supplement the 'New Jersey Medical Assistance and Health Services Act,' (P. L. 1968, c. 413) and making an appropriation therefor," approved August 21, 1975 (P. L. 1975, c. 194).

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

C. 30:4D-25 Legislature's findings and declarations.

1. (New section) The Legislature hereby finds and declares:

That the "Pharmaceutical Assistance to the Aged" program originally provided for the reimbursement of 80% of the prescription drug costs of low-income senior citizens who had met an income-related deductible drug expense;

That this program, designed to ease the burden of spiraling drug costs for senior citizens of modest incomes, was later modified to facilitate and simplify access to the program by requiring eligible senior citizens to pay $1.00 for each prescription drug at the time of purchase, with the State reimbursing the remainder of the cost directly to the pharmacist;

That the overwhelming success of the program, which currently boasts an enrollment of over 270,000 senior citizens, has resulted in costs far greater than those anticipated;

That although the Legislature is desirous of continuing the program as it currently exists, it recognizes that fiscal constraints and a heightened public awareness of the taxpayer's burden in this State makes it necessary to increase the share now paid by eligible senior citizens and reduce anticipated increases in the State contributions to the program in the future; and that therefore

A long-term legislative solution is now necessary which establishes this excellent and salutary program on a sound fiscal basis at a level within the means of the Treasury, thereby enabling it to continue without further substantial modification.

2. Section 3 of P. L. 1975, c. 194 (C. 30:4D–22) is amended to read as follows:

C. 30:4D-22 Content and application of program; definitions.

3. The program of "Pharmaceutical Assistance to the Aged" shall consist of payments to pharmacies for the reasonable cost of prescription drugs of eligible persons which exceed a $2.00 copayment. Said copayment shall be paid in full by each eligible person to the pharmacist at the time of each purchase of prescription drugs, and shall not be waived, discounted or rebated in whole or in part.

Whenever any interchangeable drug product contained in the latest list approved and published by the Drug Utilization Review Council is available for the prescription written, an eligible person shall either:

(1) Purchase an interchangeable drug product which is equal to or less than the maximum allowable cost, at the $2.00 copayment; or

(2) Purchase the prescribed drug product which is higher in cost than the maximum allowable cost and pay the difference between the two, in addition to the $2.00 copayment, unless the prescriber specifically indicates that substitution is not permissible, in which case an eligible person may purchase the prescribed drug product at the $2.00 copayment.

For purposes of this act:

a. "Prescription drugs" means all legend drugs, including any interchangeable drug products contained in the latest list approved and published by the Drug Utilization Review Council in conformance with the provisions of the "Prescription Drug Price and Quality Stabilization Act" (P. L. 1977, c. 240 C. 24:6E–1 et seq.), and insulin, insulin syringes and insulin needles;

b. "Reasonable cost" means the maximum allowable cost of prescription drugs and a dispensing fee, as determined by the commissioner;

c. "Resident" means one legally domiciled within the State for a period of 30 days immediately preceding the date of application for inclusion in the program. Mere seasonal or temporary residence within the State, of whatever duration, does not constitute domicile. Absence from this State for a period of 12 months is

prima facie evidence of abandonment of domicile. The burden of establishing legal domicile within the State is upon the applicant.

C. 30:4D-26 Name, address or identification number required.

3. (New section) A prescription may not be included under the program unless it contains the name and address or identification number of the eligible person.

C. 30:4D-27 Inclusion of notice of penalties on identification cards.

4. (New section) The commissioner shall include on the identification cards used in the program a conspicuous notice of the penalties for violating the provisions of this act.

C. 30:4D-28 Report to Governor and Legislature.

5. (New section) Within 6 months of the effective date of this act, the commissioner shall submit a report to the Governor and the Legislature including but not limited to the following:

a. The effects of definitional changes in the statute, such as residency and legend drugs;

b. The use of drug utilization review methods in order to curtail the abuse or inappropriate use of particular drugs;

c. A cost-analysis of alternative methods for administering the program and reimbursing participating pharmacists;

d. The effects of excluding from eligibility those persons whose prescription drug costs are covered in part by any other plan of assistance or insurance.

C. 30:4D-29 List containing maximum quantity dispensed.

6. (New section) Within 6 months after the effective date of this act, the commissioner shall, after consultation with the Drug Utilization Review Council and other authorities, prepare a list stating, for each prescribed drug, the maximum quantity which may be dispensed per prescription.

C. 30:4D-30 Procedure for setting and reviewing program.

7. (New section) Within 6 months from the effective date of this act, the commissioner shall establish a procedure for setting and reviewing on a continuing basis the maximum allowable cost per prescription drug under the program.

C. 30:4D-31 Effective date of list and procedures.

8. (New section) The list of maximum quantities per prescription prepared under section 6 of this act and the procedures for setting the maximum allowable cost under section 7 of this act shall not take effect until the end of a period of 60 calendar days after the date on which the plan is transmitted to the Senate and General

Assembly on a day in which both Houses are in session unless, between the date of transmittal and the end of the 60-day period the Legislature, upon a review of such plan by the Institutions, Health and Welfare Committees of both Houses acting jointly, passes a concurrent resolution stating in substance that the Legislature does not approve of the plan. Any plan submitted following such disapproval shall be subject to the same procedure.

C. 30:4D-32 Annual report.

9. (New section) The commissioner shall issue an annual report to the Governor and the Legislature by October 1 of each year. Such report shall include a summary of "Pharmaceutical Assistance to the Aged" program activities for the preceding fiscal year and any recommendations or suggestions for legislative consideration.

C. 30:4D-33 Violation of act.

10. (New section) Any person violating any provision of this act shall be subject to the applicable civil and criminal penalties contained in the "New Jersey Medical Assistance and Health Services Act" (P. L. 1968, c. 413, C. 30:4D–1 et seq.). Any eligible person who violates any provision of this act shall be subject to a suspension of their eligibility for one year for a first offense and permanent revocation of their eligibility for a second offense.

11. This act shall take effect immediately; however, the increase in copayment shall take effect on a date determined by the commissioner, which shall be no later than two weeks after the effective date of this act.

Approved December 22, 1978.

CHAPTER 172

AN ACT providing for the date on which certain property is includible in the estate of a decedent for transfer inheritance tax purposes, and amending sections 54:35–1, 54:35–3 and 54:35–4 of the Revised Statutes.

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

1. R. S. 54:35–1 is amended to read as follows:

Date when taxes due and payable.

54:35–1. Taxes under chapters 33 to 36 of this Title (§ 54:33–1 et seq.), shall be due and payable at the death of the testator, intestate, grantor, donor or vendor, unless otherwise provided by said chapters 33 to 36; but, with respect to any sum recovered as compensation for death of a person caused by a wrongful act, neglect or default, whether by award of damages or settlement of compromise, taxes thereon shall be due and payable on the date of said award or settlement.

2. R. S. 54:35–3 is amended to read as follows:

Nonpayment; interest; reduction of penalty; postponement as to estate of member of armed forces.

54:35–3. If such tax is not paid within 8 months after the date on which it became due and payable pursuant to R. S. 54:35–1, the tax shall bear interest at the rate of 10% per annum from the expiration of 8 months after the date on which it became due and payable to the date when the tax is paid, unless, payment was tendered by the taxpayer within the 8 months period and is evidenced by the postmark on the letter conveying the payment, or by other acceptable proof, but was not credited through no fault of the taxpayer, in which case no interest shall be charged, or unless, by reason of claims made upon the estate, necessary litigation or other unavoidable cause of delay, the decedent's estate, or a part thereof, cannot be settled before the expiration of 8 months from the date on which said tax became due and payable, in which case only 6% per annum shall be charged from the expiration of such 8 months until the cause of delay is removed; provided, however, that if the decedent shall have heretofore died or shall hereafter die while a member of the Armed Forces of the United States, no such tax shall commence to bear such interest until the expiration of 8 months after receipt of official notification of the death of the decedent by the wife, husband, father, mother, or next of kin of such decedent.

3. R. S. 54:35–4 is amended to read as follows:

Bond required when payment delayed.

54:35–4. When executors, administrators, grantees, donees, vendees or trustees fail to pay the tax imposed by chapters 33 to 36 of this Title (section 54:33–1 et seq.), within 8 months from the date on which said tax became due and payable pursuant to R. S. 54:35–1, they shall be required to give a bond to the State of New Jersey in double the amount of the tax, conditioned to pay the tax

and interest which may fall due, the bond to be approved as to form and sufficiency by the Director of the Division of Taxation.

C. 54:35-4.1 Nonpayment within 30 days of receipt of award or settlement.

4. (New section) Notwithstanding the provisions of R. S. 54:35–3 and R. S. 54:35–4, with respect to any sum recovered as compensation for death of a person caused by a wrongful act, neglect or default, interest shall accrue at the rates and in the manner provided in R. S. 54:35–3 and a bond shall be required to be given as provided in R. S. 54:35–4, if the tax is not paid within 30 days of the receipt of an award or setlement therefor.

5. This act shall take effect immediately.

Approved December 28, 1978.

CHAPTER 173

AN ACT to amend "An act to protect the deaf and to create within the Department of Labor and Industry a division to be known as the Division of the Deaf; and to prescribe its powers and duties; supplementing Title 34 of the Revised Statutes," approved June 14, 1941 (P. L. 1941, c. 197), as said title was amended by P. L. 1977, c. 166.

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

1. Section 2 of P. L. 1941, c. 197 (C. 34:1–69.2) is amended to read as follows:

C. 34:1-69.2 Director of the Division of the Deaf; appointment; qualifications.

2. The Commissioner of Labor and Industry shall appoint a competent person to have charge of such Division of the Deaf, who shall be fully conversant with the sign language of the deaf as ascertained by at least three certified members of the New Jersey Registry of Interpreters for the Deaf; such appointee to be known as Director of the Division of the Deaf, and to be subject to the regular rules and regulations of the Department of Labor and Industry. The director shall be appointed without regard to the provisions of Title 11 (Civil Service) of the Revised Statutes and

shall serve at the pleasure of the Commissioner of Labor and Industry.

2. This act shall take effect immediately.

Approved December 28, 1978.

CHAPTER 174

AN ACT concerning the falsification of an application for registration of a motor vehicle or driver's license and amending R. S. 39:3–37.

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

1. R. S. 39:3–37 is amended to read as follows:

Falsifying application or examination; fine; revocation of registration or license.

39:3–37. A person who gives fictitious name or address or makes any other intentional misstatement of a material fact in his application for registration of a motor vehicle or driver's license or in a preliminary application, examination or proceeding shall be subject to a fine of not less than $200.00 or more than $500.00, or imprisonment for not more than 6 months or both, at the discretion of the court. The director may, upon proper evidence not limited to a conviction in court, of the misstatement or fictitious name or address, revoke the registration of the motor vehicle or driver's license as the case may be for a period of not more than 2 years.

2. This act shall take effect immediately.

Approved December 28, 1978.

CHAPTER 175

AN ACT to amend the "Local Tax Authorization Act of 1970," approved December 23, 1970 (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 Limitation.

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, 1980.

2. Section 8 of P. L. 1970, c. 326 (C. 40:48C-8) is amended to read as follows:

C. 40:48C-8 Limitation.

8. No tax shall be imposed under any ordinance adopted pursuant to this article with respect to parking services provided on or after January 1, 1980.

3. Section 12 of P. L. 1970, c. 326 (C. 40:48C-12) is amended to read as follows:

C. 40:48C-12 Limitation.

12. No tax shall be imposed under any ordinance adopted pursuant to this article with respect to sales of motor fuels on or after January 1, 1980.

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

C. 40:48C-19 Limitation.

19. No tax shall be imposed under any ordinance adopted pursuant to this article with respect to services performed prior to January 1, 1971, in a calendar quarter prior to that in which the ordinance is adopted on or after January 1, 1980, 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, 1980.

5. Section 26 of P. L. 1970, c. 326 (C. 40:48C-26) is amended to read as follows:

C. 40:48C-26 Limitation.

26. No tax shall be imposed under any ordinance adopted pursuant to this article with respect to rental for use or occupancy of commercial premises on or after January 1, 1980.

6. Section 32 of P. L. 1970, c. 326 (C. 40:48C-32) is amended to read as follows:

C. 40:48C-32 Limitation.

32. No tax shall be imposed under any ordinance adopted pursuant to this article with respect to transactions taking place on or after January 1, 1980.

7. This act shall take effect immediately.

Approved December 28, 1978.

CHAPTER 176

AN ACT to establish the State Law Enforcement Planning Agency.

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

C. 52:17B-142 Legislature's findings and determinations.

1. The Legislature finds and determines that crime and delinquency are essentially State and local problems; that crime and delinquency are complex social phenomena requiring the attention and efforts of the criminal justice system, State, county and local governments and the citizens of this State; and that the establishment of appropriate goals, objectives and standards for the reduction of crime and delinquency and for the administration of justice must be a priority concern.

The Legislature further finds and determines that, to meet the challenges enumerated above, the functions of the criminal justice system must be coordinated more efficiently and effectively; that the full and effective use of resources affecting State, county and local criminal justice systems requiries the complete cooperation of government agencies on all levels; and that training, research, evaluation, technical assistance and public education activities must be encouraged and focused on the improvement of the criminal justice system and the generation of new methods for the prevention of crime and delinquency.

C. 52:17B-143 State Law Enforcement Planning Agency; continuation.

2. The State Law Enforcement Planning Agency created pursuant to Executive Order No. 45, dated August 13, 1968, is continued and constituted as the State Law Enforcement Planning Agency (hereinafter "agency"). For the purposes of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the agency is allocated to the Department of Law and Public Safety, but, notwithstanding said allocation, the agency shall be independent of any supervision or control by the department or by any board or officer thereof.

C. 52:17B-144 Governing board; membership; appointment; vacancies; compensation.

3. The agency shall be responsible to a Governing Board which shall consist of the Attorney General, who shall serve as chairman; the Director of the Division of Budget and Accounting; two

members of the Legislature; and 16 other members who shall be appointed by the Governor, with the advice and consent of the Senate, each for a term of 3 years; except that of the members first appointed, five shall serve for a term of 1 year, five for 2 years and six for 3 years. Members shall be selected from among residents of this State who are representative of the criminal justice system, including but not limited to police agencies, the judiciary, prosecutorial and defense counsel, adult correctional and rehabilitative agencies and juvenile justice agencies; State, county and local government; public and private agencies related to the criminal justice system; and the general public.

Each member shall serve until his successor has been appointed and qualified. Vacancies in the membership of the agency shall be filled in the same manner as the original appointments were made, but for the unexpired term only. If any member appointed as a representative of the criminal justice system shall no longer serve as such representative, his seat shall be vacant. A vice chairman shall be selected by the board from among its members, and shall serve as chairman in the chairman's absence. Members of the board shall serve without compensation but, within the limits of funds available therefor, shall be entitled to reimbursement for all necessary and reasonable expenses incurred in the discharge of their duties.

C. 52:17B-145 Executive director; appointment; salary; powers and duties.

4. The Governor shall appoint an executive director as the administrative head of the agency. He shall be a person qualified by training and experience to perform the duties of the position. He shall devote his entire time to the duties of his office, and shall receive a salary which shall be within a salary range as established by the Department of Civil Service with the approval of the Director of the Division of Budget and Accounting.

The executive director shall organize the work of the agency and establish therein such administrative subdivisions as he may deem necessary, proper and expedient. He may formulate and adopt rules and regulations and prescribe duties for the efficient conduct of the business, work and general administration of the agency. He may delegate to subordinate officers or employees in the agency such of his powers as he may deem desirable to be exercised under his supervision and control.

C. 52:17B-146 Meetings of board; quorum; powers and duties.

5. The board shall meet a minimum of five times per year and at such other times designated by the chairman. A simple majority

of the appointed members shall constitute a quorum. The board may establish such committees as it deems advisable and feasible, but only the board itself may take official action. The board shall promulgate rules of procedure governing its operations.

The board shall maintain general oversight, review, evaluation and approval of the law enforcement improvement activities of the agency, including development and revision of the State law enforcement plan, establishment of priorities for law enforcement improvement in the State, correlation with units of county and local government and law enforcement and implementation of subgrants or allocations thereto.

C. 52:17B-147 Powers of agency.

6. The agency shall:

a. Serve as the State planning agency pursuant to the Federal Omnibus Crime Control and Safe Streets Act of 1968 and the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, and other related Federal or State acts;

b. Be under the general oversight of the governing board which shall review, evaluate and approve the law enforcement improvement activities of the executive director and staff;

c. Advise and assist the Governor in developing policies, plans, programs and budgets for improving the coordination, administration and effectiveness of the criminal justice system in the State;

d. Prepare a State comprehensive criminal justice plan on behalf of the Governor, which plan, and any substantial modifications thereto, shall be submitted to the Legislature for an advisory review of goals, priorities and policies contained therein, and shall be periodically updated and based on an analysis of the State's criminal justice needs and problems;

e. Establish goals, priorities and standards for the reduction of crime and the improvement of the administration of justice in the State;

f. Recommend legislation concerning criminal justice matters to the Governor and Legislature;

g. Encourage local and regional comprehensive criminal justice planning efforts;

h. Monitor and evaluate programs and projects, funded in whole or in part by or through the State Government, aimed at reducing crime and delinquency and improving the administration of justice;

i. Cooperate with and render technical assistance to State agencies, units of county and local government and public or private agencies relating to the criminal justice system;

j. Apply for, contract for, receive and expend for its purposes any appropriations or grants from the State, its political subdivisions, the Federal Government or any other source, public or private;

k. Have the authority to collect from any State, county or local governmental entity information, data, reports, statistics or such other material which is necessary to carry out the agency's functions; and

l. Perform such other duties as may be necessary to carry out the purposes of this act.

C. 52:17B-148 Annual report.

7. The agency shall report annually to the Governor, the Legislature, the courts and the chief executives of county and local government on the implementation of each of the programs supported by funds it administers, including its evaluation of the effectiveness of each such program.

C. 52:17B-149 Appropriation of funds.

8. Funds shall be appropriated in the annual State budget to provide the required matching funds mandated under the relevant Federal acts each fiscal year and for such other purposes as are necessary to carry out the purposes of this act.

C. 52:17B-150 Act subject to "State Agency Transfer Act".

9. This act shall be subject to the provisions of the "State Agency Transfer Act," P. L. 1971, c. 375 (C. 52:14D–1 et seq.); provided, however, that the employees of the agency may continue to be employed in accordance with the unclassified service of the Civil Service.

10. This act shall take effect immediately.

Approved December 28, 1978.

CHAPTER 177

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

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

1. Section 6 of P. L. 1966, c. 135 (C. 54:11D–6) is amended to read as follows:

C. 54:11D-6 Annual distribution in four equal installments.

6. The distribution required to be made by the State Treasurer under this act shall be made annually in four equal installments. The installments shall be payable annually on March 1, May 1, August 1 and November 1 of each year and shall each consist of one-fourth of the amount appropriated.

2. This act shall take effect January 1, 1979.

Approved December 28, 1978.

CHAPTER 178

AN ACT to validate certain proceedings of school districts and any bonds or other obligations issued or to be issued pursuant to such proceedings.

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

Validating act.

1. All proceedings heretofore had or taken by any school district or at any school district election for the authorization or issuance of bonds of the school district, and any bonds or other obligations of the school district issued or to be issued in pursuance of any proposal adopted by the legal voters at such election, are hereby ratified, validated and confirmed, notwithstanding that such proposal did not disclose or correctly disclose the effect thereof on the borrowing margin of any municipality comprised within the school district in compliance with the provisions of sections 18A:24–20 and 18A:24–22 of Title 18A, Education, of the New Jersey Statutes, or notwithstanding that a supplemental debt statement required by section 18A:24–16 of Title 18A, Education, of the New Jersey Statutes was not prepared and filed as required by section 18A:24–17 of Title 18A, Education, of the New Jersey Statutes, or notwithstanding that notices relating to such election were not published as required by the provisions of the Absentee Voting Law (1953), as amended, or notwithstanding that notice of such election was not published in accordance with section 18A:14–19 of Title 18A, Education, of the New Jersey Statutes, provided,

however, that a supplemental debt statement, prepared as of a date on or prior to the date of such election shall have been made, sworn to and filed in the places required by law prior to the issuance of such bonds; and provided further, that any applications received by the secretary of the board of education of the school district for military service ballots or civilian absentee ballots for such election were forwarded to the clerk of the county in which such school district is located; and provided further, that notices of such election were posted prior to the election as required by law; and provided further, that no action, suit or other proceedings of any nature to contest the validity of such proceedings has heretofore been instituted prior to the date on which this act takes effect and within the time fixed therefor by or pursuant to law or rule of court, or when such time has not heretofore expired, is instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved December 28, 1978.

CHAPTER 179

AN ACT to amend "An act to supplement the 'New Jersey State Health Benefits Program Act,' approved June 3, 1961 (P. L. 1961, c. 49, C. 52:14–17.25 et seq.), as said short title was amended by P. L. 1972, c. 75," approved December 27, 1974 (P. L. 1974, c. 192).

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

1. Section 2 of P. L. 1974, c. 192 (C. 52:14–17.32e) is amended to read as follows:

C. 52:14-17.32e Termination of coverage; continued coverage by employee.

2. The coverage of an eligible State employee and of his dependents, if any, during any period of authorized leave of absence without pay shall terminate on the last day of the coverage period for which premiums have been paid; provided, however, the coverage of the employee and the employee's dependents may be continued by such employee, if the employee shall pay in advance the total premium required for the employee's coverage and the

coverage of the employee's dependents during such period of authorized leave of absence without pay; provided, further, that no period of such continued coverage shall exceed a total of 9 months, or the equivalent number of payroll periods for those not reported on a monthly basis, during which the employee receives no pay.

2. This act shall take effect immediately.

Approved December 28, 1978.

CHAPTER 180

AN ACT concerning motor vehicles and amending R. S. 39:4–129.

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

1. R. S. 39:4–129 is amended to read as follows:

Action in case of accident.

39:4–129. (a) The driver of any vehicle, knowingly involved in an accident resulting in injury or death to any person shall immediately stop the vehicle at the scene of the accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene until he has fulfilled the requirements of subsection (c) of this section. Every such stop shall be made without obstructing traffic more than is necessary. Any person who shall violate this subsection shall be fined in the sum of $100.00, or be imprisoned for a period of 30 days, or both, for the first offense, and for a subsequent offense shall be fined in the sum of $500.00, or be imprisoned for a period of 6 months, or both.

(b) The driver of any vehicle knowingly involved in an accident resulting only in damage to a vehicle, including his own vehicle, or other property which is attended by any person shall immediately stop his vehicle at the scene of such accident or as close thereto as possible, but shall then forthwith return to and in every event shall remain at the scene of such accident until he has fulfilled the requirements of subsection (c) of this section. Every such stop shall be made without obstructing traffic more than is necessary. Any person who shall violate this subsection shall be fined not less than $25.00 nor more than $100.00, or be imprisoned for a period of not more than 30 days, or both, for the first offense, and for a subsequent offense, shall be fined not less than $100.00 nor more

than $200.00, or be imprisoned for a period of not less than 30 days nor more than 90 days, or both.

(c) The driver of any vehicle knowingly involved in an accident resulting in injury or death to any person or damage to any vehicle or property shall give his name and address and exhibit his operator's license and registration certificate of his vehicle to the person injured or whose vehicle or property was damaged and to any police officer or witness of the accident, and to the driver or occupants of the vehicle collided with and render to a person injured in the accident reasonable assistance, including the carrying of that person to a hospital or a physician for medical or surgical treatment, if it is apparent that the treatment is necessary or is requested by the injured person.

In the event that none of the persons specified are in condition to receive the information to which they otherwise would be entitled under this subsection, and no police officer is present, the driver of any vehicle involved in such accident after fulfilling all other requirements of subsections (a) and (b) of this section, insofar as possible on his part to be performed, shall forthwith report such accident to the nearest office of the local police department or of the county police of the county or of the State Police and submit thereto the information specified in this subsection.

(d) The driver of any vehicle which knowingly collides with or is knowingly involved in an accident with any vehicle or other property which is unattended resulting in any damage to such vehicle or other property shall immediately stop and shall then and there locate and notify the operator or owner of such vehicle or other property of the name and address of the driver and owner of the vehicle striking the unattended vehicle or other property or, in the event an unattended vehicle is struck and the driver or owner thereof cannot be immediately located, shall attach securely in a conspicuous place in or on such vehicle a written notice giving the name and address of the driver and owner of the vehicle doing the striking or, in the event other property is struck and the owner thereof cannot be immediately located, shall notify the nearest office of the local police department or of the county police of the county or of the State Police and in addition shall notify the owner of the property as soon as the owner can be identified and located. Any person who violates this subsection shall be punished as provided in subsection (b) of this section.

(e) The driver of any motor vehicle involved in an accident resulting in injury or death to any person or damage in the amount

of $250.00 or more to any vehicle or property shall be presumed to have knowledge that he was involved in such accident, and such presumption shall be rebuttable in nature.

2. This act shall take effect immediately.

Approved January 3, 1979.

CHAPTER 181

AN ACT authorizing and directing the Director of the Division of Motor Vehicles to provide a procedure for noting upon a card which shall be attached to a driver's license that the licensee is a donor under the "Uniform Anatomical Gift Act," approved September 9, 1969 (P. L. 1969, c. 161) 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. 39:3-12.2 Card designating donor of body organs or parts.

1. (New section) a. The Director of the Division of Motor Vehicles shall provide with every new license or renewal license a card which can be attached to the driver's license designating that he, pursuant to the provisions of the "Uniform Anatomical Gift Act," (P. L. 1969, c. 161) is a donor of all or any body organs or parts for the purposes of transplantation, therapy, medical research or education upon his death.

b. The designation upon the card completed pursuant to the requirements of paragraph (b) of section 4 of P. L. 1969, c. 161 (C. 26:6–60(b)), shall constitute sufficient legal authority for the removal of a body organ or part upon the licensee's death and the designation shall be removed by removing the card from the license, destroying said card, or by drawing an "X" through the appropriate designation.

c. At the time the prospective donor authorizes the designation to appear on a separate card which shall be attached to his license, he shall be notified on the card that the designation can be removed only as set forth in subsection b.

d. For the purposes of this section, license shall not include any temporary license or learner's permit.

2. This act shall take effect 90 days after enactment but the director may take whatever actions may be necessary in preparation thereof immediately.

Approved January 3, 1979.

CHAPTER 182

AN ACT to amend "An act providing for the escheat of unclaimed bank deposits," approved April 20, 1945 (P. L. 1945, c. 199) and supplementing chapter 9 of Title 17 of the Revised Statutes.

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

1. Section 2 of P. L. 1945, c. 199 (C. 17:9–19) is amended to read as follows:

C. 17:9-19 "Unclaimed bank deposit" defined.

2. "Unclaimed bank deposit" means and includes an unpaid balance of money to the credit or in the name of a maker or payee of a certified check held by a bank, together with all interest accrued thereon whether entitled thereto or not on the records of the bank, and which after a period of 10 years has remained unclaimed, and also means and includes an unpaid balance of money to the credit or in the name of a depositor, in any capacity whatsoever, with a bank in any demand, savings, or time deposit account, together with all interest accrued thereon whether credited thereto or not on the records of the bank, which after a period of 10 years has remained unclaimed exclusive of the following:

(a) The unpaid balance in any such account which has been reduced by the withdrawal or increased by deposit, exclusive of interest credit within 10 years;

(b) The unpaid balance in any such account which is evidenced by a passbook in which entry of interest credit has been made within 10 years or which passbook has been presented for entry of interest credit within 10 years;

(c) The unpaid balance in any such account with respect to which the bank has written evidence received within 10 years that the depositor or other person entitled thereto had knowledge thereof;

(d) The unpaid balance in any such account of a depositor known by an officer or employee of the bank to be living;

(e) The unpaid balance in any such account which is evidenced by a passbook, which book has, to the knowledge of the bank, within 10 years been balanced or verified.

In the case of a time deposit, no account shall be deemed to be an unclaimed deposit until 10 years after its original date of maturity.

The above definition of "unclaimed bank deposit" is hereby further amplified to mean, include, and refer to credits and deposits of every kind, character or form in any name whatsoever and in any capacity whatsoever, including but not limited to individuals, corporations, companies, associations, societies, firms, partnerships, joint stock companies, and fiduciaries of any nature.

C. 17:9-19.2 Inactivity or dormancy.

2. (New section) During the 10-year period of inactivity or dormancy specified in section 2, P. L. 1945, c. 199 (C. 17:9–19) and until payment thereof to the State Treasurer as provided in section 3 of P. L. 1947, c. 91 (C. 17:9–22.6), it shall be unlawful for any bank to assess, collect, or deduct any fee or charge from any savings or time deposit account because of that inactivity or dormancy, except for the cost of publication in accordance with section 4 of P. L. 1945, c. 199 (C. 17:9–21).

3. This act shall take effect immediately.

Approved January 3, 1979.

CHAPTER 183

AN ACT concerning education requiring the commissioner to monitor the incidence of violence in the public schools and supplementing Title 18A of the New Jersey Statutes.

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

C. 18A:4-29.1 Standards, rules and regulations and record keeping to monitor and obtain information pertaining to violence in public schools.

1. The Commissioner of Education shall establish standards and promulgate rules and regulations to monitor the incidence of

violence in the public schools of New Jersey and shall establish a uniform recordkeeping system for the purpose of gathering information pertaining to offenses against persons and destruction of school buildings or property.

C. 18A:4-29.2 Report by school employees.

2. Any school employee observing or having direct knowledge from a participant or victim of an act of violence shall, in accordance with standards established by the commissioner, file a report describing the incident to the school principal in a manner prescribed by the commissioner, and copy of same shall be forwarded to the county office of education.

The principal shall notify the county office of education of the action taken regarding the incident.

3. This act shall take effect immediately and shall remain in effect until June 30, 1981, at which time the commissioner shall submit a report to the Education Committees of the Senate and General Assembly detailing the extent of violence and vandalism in the public schools and making recommendations to alleviate the problem.

Approved January 3, 1979.

CHAPTER 184

AN ACT concerning payment of tax liens on fire damaged properties in certain instances.

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

C. 17:36-8 Payment of claims in excess of $2,500.00; submission of certificate of search for municipal liens by insured person.

1. No insurance company authorized to issue fire insurance policies in this State shall pay any claims in excess of $2,500.00 on any real property located within a municipality having adopted an ordinance pursuant to section 2 of this act, unless or until the insured person submits an official certificate of search for municipal liens pursuant to R. S. 54:5–12, certifying that all taxes, assessments or other municipal liens or charges, levied and assessed and due and payable against said property have been paid, or the

municipality submits a certified copy of a resolution adopted pursuant to section 4 of this act.

C. 17:36-9 Payment of claims in excess of $2,500.00 for fire damages; filing of municipal ordinance; notification; alterations in certificate of search.

2. Any municipality may, by ordinance, prohibit the payment to a claimant by any insurance company of any claim in excess of $2,500.00 for fire damages on any real property located within the municipality pursuant to any fire insurance policy issued or renewed after the adoption of such ordinance and after the filing of such ordinance with the State Commissioner of Insurance, until such time as all taxes and assessments and all other municipal liens or charges due and payable appearing on the official certificate of search shall have been paid either by the owner of such real property or by the insurance company pursuant to the provisions of section 3 of this act, or the municipality submits to the insurance company a copy of a resolution adopted pursuant to section 4 of this act. No change in such an ordinance shall take effect until filed with the commissioner.

The State Commissioner of Insurance shall within 15 days of the receipt of a copy of any ordinance adopted pursuant to this section, notify each carrier of fire insurance within the State of the adoption of said ordinance.

The official certificate of search may, from time-to-time, be altered, by the bonded official responsible for preparing such certificates, in order to correct any errors or omissions or to add any municipal liens or related charges due and payable subsequent to the preparation of the official certificate.

C. 17:36-10 Payment by insurance company of liens appearing on certificate.

3. Unless a resolution is received in accordance with section 4 of this act by an insurance company writing fire insurance policies in any municipality having adopted an ordinance pursuant to section 2 of this act, such insurance company is hereby authorized and required, prior to the payment of any claims for fire damages in excess of $2,500.00, to pay to the municipality the amount of the liens appearing on the official certificate and such other recorded liens or related charges as may be certified to the insurance company; provided, however, that if an appeal is taken on the amount of any lien or charge, other than an appeal on the assessed valuation of real property pursuant to R. S. 54:3–21, the insurance company shall withhold 75% of the full amount of the lien or charge being contested pending termination of all proceedings, at which

time such moneys and all interest accruing thereon at a rate paid on interest bearing accounts in banking institutions or savings and loan associations in the State, shall be disbursed in accordance with the final order or judgment of the court.

C. 17:36-11 Agreement with owner for payment of delinquent taxes or other liens.

4. The governing body of the municipality in which the fire damaged property is located may enter into agreement with the owner of any fire damaged property to pay in full all delinquent taxes, assessments or other municipal liens by installments pursuant to R. S. 54:5–19 or for the redemption of the tax sale lien by installment payments pursuant to Article 7 of chapter 5 of Title 54 of the Revised Statutes, if the governing body of the municipality is satisfied that the claim for fire damages is to be used to restore or improve the fire damaged property. An insurance company receiving a certified copy of a resolution of agreement from the governing body of the municipality is authorized to make full payment on the claim to the insured person.

C. 17:36-12 Municipal claim paramount to other claims; exception.

5. A municipal claim made in accordance with the provisions of this act shall be paramount to any other claims on the proceeds of the fire insurance policy, except the claim of a holder of a mortgage on the fire damaged property, where the fire insurance policy at the time of the loss listed the mortgagee as a named insured, in which event the claim of the mortgagee to the proceeds shall be paramount to the municipal lien under this act only to the extent of the amount due and payable to the mortgagee under the mortgage contract.

Nothing in this act shall be construed:

a. To obligate an insurance company for any amount in excess of the value of the fire insurance policy on the property, or the amount of the liability of the insurance company thereunder;

b. Except as provided in the case of appeals under section 3 of this act, to obligate the insurance company for any liens not appearing on the official certificate or any certified changes submitted by the bonded official; or

c. To affect the authority of a municipality to enforce a municipal lien under any other law of this State.

C. 17:36-13 Applicability of act's provisions.

6. In addition to the standard provisions for fire insurance policies set forth in section 6 of P. L. 1953, c. 268 (C. 17:36–5.20),

every fire insurance policy issued on property situated in a municipality having adopted and filed an appropriate ordinance pursuant to section 2 of this act shall be subject to the provisions of this act.

7. This act shall take effect immediately but shall remain inoperative for 30 days following enactment.

Approved January 8, 1979.

CHAPTER 185

AN ACT to validate certain proceedings of school districts and any bonds or other obligations issued or to be issued pursuant to such proceedings.

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

Validating act.

1. All proceedings heretofore had or taken by any school district or at any school district election for the authorization or issuance of bonds of the school district, and any bonds or other obligations of the school district issued or to be issued in pursuance of a proposal adopted by the legal voters at such election, are hereby ratified, validated and confirmed, notwithstanding that the supplemental debt statement required by N. J. S. 18A:24–16 was not prepared and filed as required by N. J. S. 18A:24–17, or notwithstanding that the school debt statement was not prepared as required by N. J. S. 18A:24–17 or notwithstanding that notice of such election did not include the substance of the public question to be submitted to the voters as required by N. J. S. 18A:14–19; provided, however, that a supplemental debt statement and a school debt statement have been filed in the places required by N. J. S. 18A:24–16 and 18A:24–17 and provided further that notice of such election was published prior to such election and provided further, that no action, suit or other proceedings of any nature to contest the validity of such proceedings has heretofore been instituted prior to the date upon which this act takes effect and within the time fixed therefor by or pursuant to law or rule of court, or when such time has not heretofore expired, is instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved January 8, 1979.

CHAPTER 186

AN ACT to amend "An act for the uniform control and licensing of dogs and kennels to aid in preventing the spread of rabies, and repealing sections 4:19–10, 4:19–11, 4:19–12, 4:19–13, 4:19–14, 4:19–15, 40:52–5 and 40:52–6 of the Revised Statutes," approved May 24, 1941 (P. L. 1941, c. 151).

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

1. Section 16 of P. L. 1941, c. 151 (C. 4:19–15.16) is amended to read as follows:

C. 4:19-15.16 Impounding and disposal of dogs; notice to owners; destruction.

16. Any person appointed for the purpose by the governing body of the municipality, shall take into custody and impound or cause to be taken into custody and impounded, and thereafter destroyed or disposed of as provided in this section:

(a) Any dog off the premises of the owner or of the person keeping or harboring said dog which said official or his agent, or agents have reason to believe is a stray dog;

(b) Any dog off the premises of the owner or of the person keeping or harboring said dog without a current registration tag on his collar;

(c) Any female dog in season off the premises of the owner or of the person keeping or harboring said dog.

If any dog so seized wears a collar or harness having inscribed thereon or attached thereto the name and address of any person or a registration tag or the owner or the person keeping or harboring said dog is known, any person authorized by the governing body, shall forthwith serve on the person whose address is given on the collar, or on the owner or the person keeping or harboring said dog, if known, a notice in writing stating that the dog has been seized and will be liable to be disposed of or destroyed if not claimed within 7 days after the service of the notice.

A notice under this section may be served either by delivering it to the person on whom it is to be served, or by leaving it at the person's usual, or last known place of abode, or at the address given on the collar, or by forwarding it by post in a prepaid letter addressed

to that person at his usual or last known place of abode, or to the address given on the collar.

When any dog so seized has been detained for 7 days after notice, when notice can be given as above set forth, or has been detained for 7 days after seizure, when no notice has been given as above set forth and if the owner or person keeping or harboring said dog has not claimed said dog and paid all expenses incurred by reason of its detention, including maintenance not exceeding $4.00 per day, and if the dog be unlicensed at the time of the seizure and the owner or person keeping or harboring said dog has not produced a license and registration tag for said dog, any person authorized by the governing body, may cause the dog to be destroyed in manner causing as little pain as possible and consistent with the provisions of R. S. 4:22–19. No dog or other animal so caught and detained or procured, obtained, sent or brought to a pound or shelter shall be sold or otherwise made available for the purpose of experimentation. Any person who sells or otherwise makes available any such dog or other animal for the purpose of experimentation shall be guilty of a disorderly persons offense.

2. This act shall take effect immediately.

Approved January 9, 1979.

CHAPTER 187

AN ACT concerning medical service corporations and supplementing chapter 48A of Title 17 of the New Jersey Statutes.

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

C. 17:48A-28.1 Reimbursement for services; applicable provisions.

1. Notwithstanding any provision of a group or individual policy or contract of a medical service plan, whenever such a policy or contract provides for reimbursement for any service which is within the lawful scope of practice of a duly licensed dentist, the following provisions shall apply:

a. A person covered under such medical service policy or contract shall be entitled to reimbursement for such service regardless of

whether the service is performed by a duly licensed physician or duly licensed dentist.

b. Equal reimbursement rates shall be paid for services performed, regardless of the discipline of the provider of the service.

C. 17:48A-28.2 Applicability of act.

2. This act shall apply to all contracts in which the company has reserved the right to change the premium.

3. This act shall take effect immediately.

Approved January 9, 1979.

JOINT RESOLUTIONS

Joint Resolutions

JOINT RESOLUTION No. 1

A JOINT RESOLUTION designating the bridge crossing the Raritan river in the George street-Metlars lane area on the new State highway route between Route 18 in New Brunswick and Route 287 as the "John A. Lynch Bridge."

WHEREAS, John A. Lynch served in the Senate of this State from 1955 to 1977, and during that tenure he served his constituency and all citizens of this State with integrity and distinction; and

WHEREAS, Born in New Brunswick, New Jersey, he has resided in Middlesex county and held both municipal and county offices; and

WHEREAS, His public service included municipal magistrate, county prosecutor, city commissioner and mayor; and

WHEREAS, As a lawyer and senior partner in a New Brunswick law firm, Senator Lynch served as president of the Middlesex County Bar Association; and

WHEREAS, It is fitting and appropriate that John A. Lynch's long and distinguished career as a public servant be recognized and commemorated; now, therefore

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

1. The bridge now under construction over the Raritan river in the George street-Metlars lane area as part of the new State highway route beginning at Route 18 in New Brunswick and continuing to Route 287, authorized by P. L. 1962, c. 102, shall be designated the "John A. Lynch Bridge."

2. The Commissioner of Transportation shall cause to be erected upon said bridge suitable tablets and ornamentation to effectuate this resolution.

3. This joint resolution shall take effect immediately.

Approved February 1, 1978.

JOINT RESOLUTION No. 2

A JOINT RESOLUTION to reaffirm the Legislature's 1975 endorsement and continued support for the South Jersey Medical Complex in center city Camden and to object to the elimination of the $75 million Veterans Administration Hospital which was committed in May, 1976 to the Medical Complex by the President of the United States, Congress of the United States and Veterans Administration.

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

1. That the Legislature finds and declares that it is of immediate urgency to expedite the honoring of commitments and completion of plans by the Federal, State and local governments for the development and operation of the South Jersey Medical Complex in center city Camden.

2. That in May, 1976, the President of the United States announced, after a lengthy site selection review of more than 70 sites in the Philadelphia-South Jersey region, that the $75 million Veterans Administration Hospital would be constructed in center city Camden as a major part of the South Jersey Medical Complex.

3. That the Legislature has morally and financially supported the development of the other major components of the Medical Complex, namely, the creation of the College of Medicine and Dentistry, South Jersey Division, the rebuilding of the Cooper Medical Center and the development of the Camden Transportation Terminal.

4. That the President's 1979 budget has eliminated the funds and commitment to construct the Veterans Administration Hospital in Camden.

5. That the Legislature objects to the elimination by the President of the United States of the new Veterans Administration Hospital in Camden from the 1979 fiscal year Federal budget.

6. That the Legislature finds a moral commitment was made by the President of the United States, Congress of the United States and the Veterans Administration to the citizens of New Jersey for establishment of a Veterans Hospital in Camden as part of the South Jersey Medical Complex.

7. That the Legislature finds numerous financial and policy commitments were made by the State of New Jersey, the county of Camden, the city of Camden and private individuals, businesses and organizations based on representations by the President of the United States, Congress, and Veterans Administration that the Federal Government would establish a veterans hospital in Camden.

8. That the Legislature finds the decision by the President of the United States to eliminate the Veterans Administration Hospital in Camden to be contrary to the public interest of the region's veterans and citizens of the State of New Jersey.

9. That the Legislature finds that on February 8, 1978 the President stated that he will personally reconsider the decision to eliminate the Veterans Administration Hospital in Camden.

10. That the Legislature encourages and supports Governor Brendan T. Byrne, members of the New Jersey delegation to the United States Senate and House of Representatives, and the members of the Senate and General Assembly of the State of New Jersey in their effort to seek reversal of the President's decision to eliminate the new Veterans Administration Hospital in Camden.

11. That a certified copy of this resolution be forwarded by the Secretary of State, to the President of the United States, the Vice President of the United States, the Speaker of the United States House of Representatives, each of the members of Congress elected from this State, the chairman of the appropriate committees of the Congress of the United States, the Administrator of the Veterans Administration, the mayor of the city of Camden and interested leaders of community groups and veterans organizations.

12. This joint resolution shall take effect immediately.

Approved February 23, 1978.

JOINT RESOLUTION No. 3

A JOINT RESOLUTION designating the week of January 29 to February 4, 1978 as Catholic Schools Week.

WHEREAS, The Catholic schools of the State of New Jersey will be celebrating Catholic Schools Week in the State during the period January 29 to February 4, 1978; and

WHEREAS, The Catholic schools in the State of New Jersey have had over a century of service educating millions of Jerseyans in preparation for their responsibilities as citizens of this State and as members of society; and

WHEREAS, Parents who send their children to nonpublic schools assist the State in reducing the rising costs of public education; and

WHEREAS, The 575 Catholic schools in the State currently provide over 210,000 students with a well-rounded educational program in moral values and community services; and

WHEREAS, The welfare of the State requires that this and future generations of school-age children be assured ample opportunity to develop to the fullest their intellectual capacities; and that in the exercise of their constitutional rights to choose nonpublic education for their children, parents who support such education make a major contribution to the public welfare; now, therefore,

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

1. The week of January 29 to February 4, 1978 is designated as Catholic Schools Week in the State of New Jersey to be recognized as such by State and municipal agencies throughout New Jersey.

2. The Governor and the Legislature of the State of New Jersey hereby call on all of the citizens of the State to recognize the contribution Catholic schools make to education in the State and commend their faculties, students and parents for their dedication and devotion to the quality education furnished the future citizens of this State.

3. This joint resolution shall take effect immediately.

Approved February 24, 1978.

JOINT RESOLUTION No. 4

A JOINT RESOLUTION designating the week of March 6 through March 11, 1978 as "Eye Donor Week" in New Jersey, and providing for a proclamation thereof by the Governor.

WHEREAS, Eye banks throughout the United States provide an invaluable service to our citizens by collecting, preserving and distributing, free of charge, corneal tissue for sight restoration; and

WHEREAS, Many people live in darkness and discouragement waiting for scientists to develop a new procedure or drug which would result in the lifting of the ever present curtain of blindness which prevents them from seeing and from leading normal lives; and

WHEREAS, Through the modern miracles of ophthalmic surgery, certain types of blindness and impaired vision can be cured or greatly improved; and

WHEREAS, Corneal transplant surgery, one of the most effective procedures for restoring sight, is only possible because some compassionate person donated his eyes to an eye bank in order to turn someone's darkness into light; and

WHEREAS, A donor has a glorious triumph over physical death because his eyes continue to live and because his humanitarian act enables a living person to regain lost vision which is a precious treasure; now, therefor,

Be It Resolved by the Senate and General Assembly of the State of New Jersey:

1. That the week of March 6 through March 11, 1978 is formally designated "Eye Donor Week" in the State of New Jersey.

2. That the Governor, by appropriate proclamation, so proclaim the said week of March 6 through March 11, 1978, as "Eye Donor Week."

3. This joint resolution shall take effect immediately.

Approved March 10, 1978.

JOINT RESOLUTION No. 5

A JOINT RESOLUTION designating May 1 to May 7 as "Lions Club White Cane Week" in New Jersey.

WHEREAS, The Lions Clubs of New Jersey possess a long and admirable record of public service to the disabled and visually handicapped citizens of this State; and

WHEREAS, These public services are financed largely through charitable solicitations of the public conducted at designated times of the year; and

WHEREAS, It is fitting that this State do everything possible to assist the charitable activities of such publicly spirited organizations by drawing the attention of the public to the nature and worthiness of their activities; now, therefore,

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

1. May 1 to May 7 of each year is formally designated as "Lions Club White Cane Week" in this State.

2. The Governor shall issue his proclamation proclaiming the aforesaid designation and urging the appropriate observance thereof by the people of this State.

3. This joint resolution shall take effect immediately.

Approved April 28, 1978.

JOINT RESOLUTION No. 6

A JOINT RESOLUTION designating the week of May 1 through May 6, 1978 as "Eastern Airlines Week."

WHEREAS, Eastern Airlines will celebrate its Fiftieth Anniversary on May 1, 1978; and

WHEREAS, Eastern Airlines traces its origins to a small airline, Pitcairn Aviation, which was awarded the first Federal contract

to establish airmail service between New York and Miami via Atlanta; and

WHEREAS, Harold F. Pitcairn, the founder of Pitcairn Aviation, selected Hadley Field near New Brunswick as the northern terminus for this new mail service; and

WHEREAS, When Eastern took over Pitcairn's operation in 1930 and decided that same year to inaugurate passenger service between New York and Richmond, Virginia, its offices included Newark and Camden, along with Baltimore and Washington, D.C., as regular stops on the 310-mile journey; and

WHEREAS, From these small beginnings, Eastern Airlines has grown to become "The Wings of Man," the second largest passenger carrier in the free world, operating a fleet of 240 jet aircraft, employing over 34,000 men and women, and flying more than 31,000,000 passengers in 1977; and

WHEREAS, The citizens of New Jersey are proud of the small, but important part played by this State in the history and development of Eastern Airlines; now, therefore,

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

1. The week of May 1 through May 6, 1978 is designated as "Eastern Airlines Week" in the State of New Jersey in honor of the Fiftieth Anniversary of Eastern Airlines and to commend and pay tribute to those officers and employees whose vision, commitment, skills and talents have made air travel a viable mode of transportation for the general public.

2. The Governor shall issue his proclamation proclaiming the aforesaid designation and urging the appropriate observance thereof by the people of this State.

3. This joint resolution shall take effect immediately.

Approved May 1, 1978.

JOINT RESOLUTION No. 7

A JOINT RESOLUTION designating the week of May 7 to May 14, 1978 as New Jersey Music Week.

WHEREAS, This year will mark the 55th annual observance of National Music Week; and

WHEREAS, Music is a vital part of the culture of every civilized nation; and the people of the United States are proving themselves to be a great music producing and music loving nation; and

WHEREAS, It is incumbent upon all of us to join together to advance the cause of music as an art and harmonious force, and to extend the radius of its influence among nations, groups and individuals; and

WHEREAS, The pursuit of music, whether it be through study, composing, listening, performing or participation, gives rich experiences in human life; and

WHEREAS, The National Federation of Music Clubs, through National Music Week, provides an opportunity for the organized musical forces of the country, as well as religious, educational and civic groups, to join music lovers in emphasizing the joys and pleasures to be gained from making music; now therefore,

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

1. The week of May 7 to May 14, 1978 is hereby designated as New Jersey Music Week.

2. The Governor and the Legislature of the State of New Jersey hereby urge the citizens in every community to participate in making music, to foster a deeper appreciation for musical talent and to encourage with interest and enthusiasm the music programs offered in special events organized for this week.

3. This joint resolution shall take effect immediately.

Approved May 5, 1978.

JOINT RESOLUTION No. 8

A JOINT RESOLUTION calling upon the New York State Department of Transportation to rescind its ban on truck traffic on Route 9W between the northern border of New Jersey and the New York State Thruway.

WHEREAS, The New York State Department of Transportation has banned trucks weighing more than 10 tons on Route 9W between the northern border of New Jersey and the New York State Thruway; and,

WHEREAS, This ban has forced truck traffic to use streets and roads in densely populated residential communities of Bergen County, in the State of New Jersey; and,

WHEREAS, Such truck traffic is causing irreparable harm to the affected communities and is responsible for noise, pollution, property damage, and automobile accidents; and,

WHEREAS, The rerouting of truck traffic wastes approximately 65,000 gallons of gasoline every day; and,

WHEREAS, Route 9W has been a major truck route for the past 65 years; and,

WHEREAS, The ban imposed by the New York State Department of Transportation violates the spirit of cooperation and friendship which has long existed between New Jersey and New York; now, therefore,

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

1. That it is the sense of the Legislature that the New York State Department of Transportation rescind its ban on truck traffic on Route 9W between the northern border of New Jersey and the New York State Thruway.

2. A duly authenticated copy of this joint resolution shall be transmitted forthwith to the Governor and the Commissioner of Transportation of the State of New York, to the United States Secretaries of Transportation, Commerce and Energy, and to the members of New Jersey's Congressional delegation.

3. This joint resolution shall take effect immediately.

Approved May 25, 1978.

JOINT RESOLUTION No. 9

A JOINT RESOLUTION designating June 16, 1978, the Seventy-Fifth Anniversary of the Ford Motor Company, as "Ford Motor Company Day" in the State of New Jersey.

WHEREAS, The late Henry Ford founded the Ford Motor Company on June 16, 1903, and developed the world's first truly mass-produced motor vehicle; and

WHEREAS, Mr. Ford, by achieving his goal of placing the automobile within the economic reach of the average citizen, profoundly eased the burden and increased the mobility of his countrymen, and thereby contributed greatly to the preeminent development of the American economy; and

WHEREAS, Mr. Ford's vision and his organization of industrial production brought jobs at higher wages to hundreds of thousands of working men and women and led, through the years, to economic opportunities for millions of Americans; and

WHEREAS, The Ford Motor Company continues, under the direction of Henry Ford II, to be a leader in our Nation's economic, cultural and social life—ever measuring itself against its founder's standards of quality, value and service; now, therefore,

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

1. June 16, 1978 is designated as "Ford Motor Company Day" in the State of New Jersey in honor of the Seventy-Fifth Anniversary of this enterprise to recognize the lasting contributions that have been made to our Nation and the State of New Jersey.

2. The Governor shall issue his proclamation proclaiming the aforesaid designation and urging the appropriate observance thereof by the people of this State.

3. This joint resolution shall take effect immediately.

Approved June 15, 1978.

JOINT RESOLUTION No. 10

A JOINT RESOLUTION memorializing the Governor and the Legislature of the Commonwealth of Pennsylvania to repeal Act Number 100, imposing a gross receipts tax on electric power generated in Pennsylvania and sold to New Jersey consumers.

WHEREAS, The Legislature of the Commonwealth of Pennsylvania has passed, and the Governor has signed into law, Act Number 100, imposing a tax on the gross receipts of New Jersey utility companies that own shares in power plants located in Pennsylvania; and

WHEREAS, The estimated yearly cost of this tax to New Jersey utilities is approximately twelve million dollars; and

WHEREAS, This action threatens not only to impose greater financial burdens on New Jersey electric customers, but to violate the spirit of cooperation and the good faith that are the essence of productive and amicable interstate relations; and

WHEREAS, Governor Brendan T. Byrne of the State of New Jersey has asked Pennsylvania to reconsider its action imposing a tax on New Jersey citizens; now, therefore,

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

1. That the Governor and the Legislature of the Commonwealth of Pennsylvania are hereby respectfully memorialized to repeal Act Number 100, imposing a gross receipts tax on electric power generated in Pennsylvania and sold to New Jersey consumers.

2. That the Legislature hereby pledges its full support to any and all actions which the Governor of this State may take to obtain the rescission of this inequitable law of the Commonwealth of Pennsylvania and to any and all legal actions or proceedings which the Attorney General of this State deems himself advised to take to challenge the legality of this Pennsylvania tax.

3. Duly authenticated copies of this resolution, signed by the Governor, the President of the Senate and the Speaker of the General Assembly and attested by the Secretary of the Senate and

the Clerk of the General Assembly, be transmitted to the Governor, the President of the Senate and the Speaker of the House of Representatives of the Commonwealth of Pennsylvania.

4. This joint resolution shall take effect immediately.

Approved June 19, 1978.

JOINT RESOLUTION No. 11

A JOINT RESOLUTION urging the Government of South Africa to reconsider and rescind its present policies of apartheid and accord all of its citizens basic human rights and privileges of equality.

WHEREAS, The Legislature of the State of New Jersey is aware that the Government of South Africa has, for a long period of time, carried out the policies of a system known as apartheid; and,

WHEREAS, Apartheid as it exists in South Africa legally limits the freedoms of black citizens of that nation, in such basic areas as where blacks may work, what skills they may learn, pensions, sick leave, disability benefits, the right to organize collectively, the right to marry and the right to live in a place of their own choosing; and,

WHEREAS, This deprivation of basic human rights and governmental oppression of a majority of its own citizens results in, among other indignities, a situation wherein the almost eighteen million black residents of South Africa, constituting a vast majority of that nation's population, earn less than 25% of the income of that nation, and have little or no voice in the governmental affairs of that nation; and,

WHEREAS, Racism in this South African form is an anathema to all of mankind and represents a policy no less horrible than that perpetrated by the Fascist and Nazi leaders in Europe during the decades of the 1930's and 1940's in which millions were murdered in the name of racial supremacy; and,

WHEREAS, This Legislature is also aware that many prominent firms in the United States have substantial investments in business endeavors in that nation, which allow them to reap

large profits which are engendered by the cheap labor market provided by the apartheid policies of South Africa which forces black citizens of that country to work for vastly substandard wages; and,

WHEREAS, This Legislature strongly feels it to be in the best interests of this State and this Nation to urge not only that the South African Government eliminate its present policy of apartheid and treat all of its citizens equally and accord each the same, basic human rights to which they are entitled, but also to urge those United States business firms with investments or operations in South Africa to carefully review those holdings with a view towards divesting themselves of said holdings; now, therefore,

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

1. That the State Government hereby urges the Government of South Africa to reconsider and rescind its present policies of apartheid and accord all of its citizens basic human rights and privileges of equality; and,

2. That the State Government urgently requests United States firms with investments or holdings in South Africa to carefully reconsider those investments or holdings with a clear view towards divestiture of same, on the grounds that continued financial participation in South Africa encourages that Nation to continue its systematic violations of human rights under the apartheid system; and,

3. That the Governor, the Honorable Brendan T. Byrne, review firms presently conducting business with this State who have South African investments or holdings in order to make those firms aware of this Senate's position relative to that Government's violations of human rights and this Senate's further desire to have such firms consider a complete divestiture of investments or holdings; and,

4. That this Legislature, in considering and adopting this resolution, wishes to emphasize that it continues to be concerned about the depravation of human rights of all peoples, wherever situated, and herewith declares its intention to continue to speak out for the human rights of all peoples on this earth; and,

5. That copies of this resolution be forwarded to the President of the United States, the United States Ambassador to the United Nations, the members of the United States Senate, and the members of the House of Representatives.

6. This joint resolution shall take effect immediately.

Approved July 19, 1978.

JOINT RESOLUTION No. 12

A JOINT RESOLUTION commemorating the 80th Anniversary of the New Jersey Society of Certified Public Accountants and the enrollment of the Society's 5,000th member.

WHEREAS, On January 19, 1898, the New Jersey Society of Certified Public Accountants, as it is now known, was founded by five Certified Public Accountants who saw the need for such an association in the State's growing economy; and

WHEREAS, Since its founding this Society has adopted and stood for the following objectives:

To promote and maintain the highest professional and ethical standards of public accountancy in the State of New Jersey; and

To develop and improve accountancy education and research; and

To protect the interest of the public and the improvement of the Society; and

WHEREAS, The Society has been a constant and constructive force in establishing fair dealing and progress in the attainment of its objectives, as a vital element in the business affairs of the State; and

WHEREAS, Kathleen A. Granstrand of Wayne has been enrolled as the 5,000th member of the Society during the current year; now, therefore,

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

1. On behalf of the citizens of this State, the Governor and the Legislature extend earnest and wholehearted congratulations to

the New Jersey Society of Certified Public Accountants, its officers, trustees and members, on this 80th Anniversary of the Society's founding and on the occasion of the enrollment of its 5,000th member, and voice the sincere hope that the New Jersey Society of Certified Public Accountants and its members shall continue for many long years to come to remain, as they have for 80 years past, a true symbol of the ethical practice of public accountancy and its contributions to the economic advancement of the State.

2. The Secretary of State is directed to transmit a copy of this joint resolution to the New Jersey Society of Certified Public Accountants.

3. This joint resolution shall take effect immediately.

Approved August 31, 1978.

JOINT RESOLUTION No. 13

A JOINT RESOLUTION requesting the Governor to present the New Jersey Distinguished Service Medal to the deceased war veterans of this State and authorizing the New Jersey Department of Defense to transmit same with an appropriate mounting and inscriptive metal plate to the United States Department of Defense.

WHEREAS, This State, through the New Jersey Department of Defense and with the Army and Air National Guard Association of New Jersey, is planning to make a presentation of the New Jersey Distinguished Service Medal at the Arlington National Cemetery to the deceased war veterans of this State on the twenty-first day of September in the year 1978, the 202nd of the Independence of New Jersey; and,

WHEREAS, The Governor, by law, may present in the name of the State of New Jersey said medal to those members of the organized militia who have distinguished themselves by especially meritorious service in the line of duty; and,

WHEREAS, Said honor has been highly endorsed and encouraged by the various nationally organized veteran's groups in this State; now, therefore,

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

1. The Governor by appropriate proclamation is requested to present in the name of the State of New Jersey a Distinguished Service Medal to the deceased war veterans of this State.

2. Said medal shall be transmitted by the New Jersey Department of Defense to the United States Department of Defense for placement in the trophy room at the Arlington Memorial Amphitheater adjacent to the Tomb of the Unknown Soldier at the Arlington National Cemetery.

3. The New Jersey Department of Defense is authorized and directed to provide an appropriate mounting and inscriptive metal plate for said medal.

4. This joint resolution shall take effect immediately.

Approved September 19, 1978.

JOINT RESOLUTION No. 14

AN ASSEMBLY JOINT RESOLUTION designating the Route 87 bridge, also known as the Brigantine bridge, in Atlantic county as the "Justice Vincent S. Haneman Bridge."

WHEREAS, It is appropriate that the Route 87 bridge, which spans the picturesque Absecon inlet, should bear the name of an outstanding citizen and servant of Atlantic county and the State of New Jersey; and,

WHEREAS, The Honorable Vincent S. Haneman faithfully served the people of Brigantine as mayor, and represented the people of Atlantic county in the General Assembly, and distinguished himself as an associate justice of the supreme court and who passed away in January of 1978; and,

WHEREAS, Justice Haneman was respected, and will be long remembered not only for his dedication to justice and equity for all and his knowledge of the law, but for his selflessness and integrity in the performance of public service; now, therefore,

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

1. That the Commissioner of Transportation shall designate the Route 87 bridge over the Absecon inlet as the "Justice Vincent S. Haneman Bridge."

2. That the Commissioner of Transportation shall cause to be erected upon said bridge suitable tablets and ornamentation to effectuate this resolution.

3. This joint resolution shall take effect immediately.

Approved October 5, 1978.

JOINT RESOLUTION No. 15

A JOINT RESOLUTION designating the week of December 3 through December 9, 1978 as National Autistic Week.

WHEREAS, The National Society for Autistic Children will be celebrating National Autistic Week throughout the United States during the period December 3 to December 9, 1978; and

WHEREAS, The National Society for Autistic Children has addressed the problems of autistic children for over 18 years; and continuously serves over 3,000 autistic persons of this State; and

WHEREAS, The New Jersey Society for Autistic Children, an affiliate of the National Society, provides support and assistance to New Jersey's autistic children and their families as well as to Eden Institute and Princeton Child Development Institute in Princeton, and the Search Day Program in Ocean township; and

WHEREAS, These are private nonprofit schools, established by concerned parents and professionals to provide a meaningful educational experience for autistic children; and

WHEREAS, The welfare of the State requires that this and future generations of autistic children be assured ample opportunity to develop to the fullest of their capabilities; and

WHEREAS, It is fitting that this State do everything possible to assist the charitable activities of the National Society for

Autistic Children, by drawing attention to the humane nature and worthiness of their activities; now, therefore,

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

1. That the week of December 3 through December 9, 1978 is formally designated as "National Autistic Week" in the State of New Jersey.

2. The Governor, by appropriate proclamation, so proclaim the said week of December 3 through December 9, 1978, as "National Autistic Week".

3. This joint resolution shall take effect immediately.

Approved December 4, 1978.

JOINT RESOLUTION No. 16

A JOINT RESOLUTION declaring the week beginning December 10, 1978, as "Human Rights Week" in this State.

WHEREAS, On December 10, 1948, the General Assembly of the United Nations adopted the Universal Declaration of Human Rights; and,

WHEREAS, The said Declaration is a significant milestone in the progress of humanity towards the goals of defining, establishing, and protecting the basic rights inherent in all human beings by virtue of their humanity; and,

WHEREAS, The principles underlying the said Declaration have been more recently embodied in the Helsinki Agreement, entered into by 33 European nations, as well as the United States and Canada; which agreement has initiated a further phase in the struggle to establish basic human rights on a secure and universal basis; and,

WHEREAS, It is fitting that the continuing, world-wide effort to secure human rights should be accorded formal and appropriate public recognition and observance; now, therefore,

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

1. The week beginning December 10, 1978, is hereby declared and set aside as "Human Rights Week" in New Jersey; and all citizens and all public and private agencies and organizations in this State are urged to recognize the "Human Rights Week" by appropriate observances thereof.

2. This joint resolution shall take effect immediately.

Approved December 5, 1978.

AMENDMENT TO THE 1947 CONSTITUTION ADOPTED IN 1978

Amendment to the 1947 Constitution

PROPOSED AMENDMENT ADOPTED

a. Article VI, Section I, paragraph 1, be amended to read as follows:

1. The judicial power shall be vested in a Supreme Court, a Superior Court, and other courts of limited jurisdiction. The other courts and their jurisdiction may from time to time be established, altered or abolished by law.

b. Article VI, Section III, paragraphs 1 and 3, be amended to read as follows:

1. The Superior Court shall consist of such number of judges as may be authorized by law, each of whom shall exercise the powers of the court subject to rules of the Supreme Court. The Superior Court shall at all times consist of at least two judges who shall be assigned to sit in each of the counties of this State, and who are resident therein at the time of appointment and reappointment.

3. The Superior Court shall be divided into an Appellate Division, a Law Division, and a Chancery Division. Each division shall have such parts, consist of such number of judges, and hear such causes, as may be provided by rules of the Supreme Court. At least two judges of the Superior Court shall at all times be assigned to sit in each of the counties of the State, who at the time of their appointment and reappointment were residents of that county, provided, however, that the number of judges required to reside in the county wherein they sit shall be at least equal in number to the number of judges of the county court sitting in each of the counties at the adoption of this amendment.

c. Article VI, Section IV, be repealed.

d. Article VI, Section V, paragraphs 1 and 2 amended to read as follows:

1. Appeals may be taken to the Supreme Court:

(a) In causes determined by the Appellate Division of the

Superior Court involving a question arising under the Constitution of the United States or this State;

(b) In causes where there is a dissent in the Appellate Division of the Superior Court;

(c) In capital causes;

(d) On certification by the Supreme Court to the Superior Court and, where provided by rules of the Supreme Court, to the inferior courts; and

(e) In such causes as may be provided by law.

2. Appeals may be taken to the Appellate Division of the Superior Court form the law and chancery divisions of the Superior Court and in such other causes as may be provided by law.

e. Article VI, Section VI, paragraphs 1, 2, 4, 5 and 7 be amended to read as follows:

1. The Governor shall nominate and appoint, with the advice and consent of the Senate, the Chief Justice and associate justices of the supreme court, the judges of the superior court, and the judges of the inferior courts with jurisdiction extending to more than one municipality. No nomination to such an office shall be sent to the Senate for confirmation until after 7 days' public notice by the Governor.

2. The justices of the supreme court and the judges of the superior court shall each prior to his appointment have been admitted to the practice of law in this State for at least 10 years.

4. The justices of the supreme court and the judges of the superior court shall be subject to impeachment, and any judicial officer impeached shall not exercise his office until acquitted. The judges of the superior court shall also be subject to removal from office by the Supreme Court for such causes and in such manner as shall be provided by law.

5. Whenever the Supreme Court shall certify to the Governor that it appears that any justice of the supreme court or judge of the superior court is so incapacitated as substantially to prevent him from performing his judicial duties, the Governor shall appoint a commission of three persons to inquire into the circumstances; and, on their recommendation, the Governor may retire the justice or judge from office, on pension as may be provided by law.

7. The justices of the supreme court and the judges of the superior court shall hold no other office or position, of profit, under this State or the United States. Any such justice or judge who shall become a candidate for an elective public office shall thereby forfeit his judicial office.

f. Article XI be amended by adding thereto Section VI as follows:

SECTION VI

When this amendment to the Constitution providing for the abolition of the County Courts takes effect:

(a) All the jurisdiction, functions, powers and duties of the County Court of each county, the judicial officers, clerks, employees thereof, and the causes pending therein, and their files, shall be transferred to the Superior Court. Until otherwise provided by law, the judicial officers, surrogates and clerks of the County Courts and the employees of said officers, clerks, surrogates and courts, shall continue in the exercise of their duties as if this amendment had not been adopted. For the purposes of this paragraph, a cause shall be deemed to be pending notwithstanding that an adjudication has been entered therein, provided the time limited for appeal has not expired or the adjudication reserves any party the right to apply for further relief.

(b) All the functions, powers and duties conferred by the statute, rules or otherwise, upon the judges of the County Courts, shall be transferred to and may be exercised by judges of the Superior Court until otherwise provided by law or rules of the Supreme Court.

(c) Until otherwise provided by law, all county clerks shall become clerks of the Law Division of the Superior Court and all surrogates shall become clerks of the Chancery Division (Probate Part) of the Superior Court for their respective counties and shall perform such duties and maintain such files and records on behalf of the Clerk of the Superior Court as may be required by law and rule of court; and all fees payable to the county clerks and surrogates prior to the effective date of this amendment shall continue to be so payable and be received for the use of their respective counties until otherwise provided by law.

(d) The judges of the County Courts in office on the effective date of this amendment shall be judges of the Superior Court. All such judges who had acquired tenure on a County Court shall hold

office as a judge of the Superior Court during good behavior, with all rights, and subject to all the provisions of the Constitution affecting a judge of the Superior Court, as though they were initially appointed to the Superior Court. All other judges of the County Courts shall hold office as judges of the Superior Court, each for the period of his term which remains unexpired on the effective date of this amendment; and if reappointed, he shall hold office during good behavior, with all the rights and subject to all the provisions of the Constitution affecting a judge of the Superior Court as though he were initially appointed to the Superior Court.

Adopted November 7, 1978.

Effective December 7, 1978.

PROPOSED AMENDMENT TO THE 1947 CONSTITUTION THAT HAS BEEN REJECTED IN 1978

Proposed Amendment to the 1947 Constitution that has been Rejected in 1978

PROPOSED AMENDMENT REJECTED

Amend Article IV, Section VII, paragraph 2, to read as follows:

2. No gambling of any kind shall be authorized by the Legislature unless the specific kind, restrictions and control thereof have been heretofore submitted to, and authorized by a majority of the votes cast by, the people at a special election or shall hereafter be submitted to, and authorized by a majority of the votes cast thereon by, the legally qualified voters of the State voting at a general election, except that, without any such submission or authorization;

A. It shall be lawful for bona fide veterans, charitable, educational, religious or fraternal organizations, civic and service clubs, senior citizen associations or clubs, volunteer fire companies and first aid or rescue squads to conduct, under such restrictions and control as shall from time to time be prescribed by the Legislature by law, games of chance of, and restricted to, the selling of rights to participate, the awarding of prizes, in the specific kind of game of chance sometimes known as bingo or lotto, played with cards bearing numbers or other designations, 5 or more in one line, the holder covering numbers as objects, similarly numbered, are drawn from a receptacle and the game being won by the person who first covers a previously designated arrangement of numbers on such a card, when the entire net proceeds of such games of chance are to be devoted to educational, charitable, patriotic, religious or public-spirited uses, and in the case of senior citizen associations or clubs to the support of such organizations, in any municipality, in which a majority of the qualified voters, voting thereon, at a general or special election as the submission thereof shall be prescribed by the Legislature by law, shall authorize the conduct of such games of chance therein.

B. It shall be lawful for the Legislature to authorize, by law, bona fide veterans, charitable, educational, religious or fraternal

organizations, civic and service clubs, volunteer fire companies and first-aid or rescue squads to conduct games of chance of, and restricted to, the selling of rights to participate, and the awarding of prizes, in the specific kinds of games of chance sometimes known as raffles, conducted by the drawing for prizes or by the allotment of prizes by chance, when the entire net proceeds of such games of chance are to be devoted to educational, charitable, patriotic, religious or public-spirited uses, in any municipality, in which such law shall be adopted by a majority of the qualified voters, voting thereon, at a general or special election as the submission thereof shall be prescribed by law and for the Legislature, from time to time, to restrict and control, by law, the conduct of such games of chance and

C. It shall be lawful for the Legislature to authorize the conduct of State lotteries restricted to the selling of rights to participate therein and the awarding of prizes by drawings when the entire net proceeds of any such lottery shall be for State institutions, State aid for education.

D. It shall be lawful for the Legislature to authorize by law the establishment and operation, under regulation and control by the State, of gambling houses or casinos within the boundaries, as heretofore established, of the city of Atlantic City, county of Atlantic, and to license and tax such operations and equipment used in connection therewith. Any law authorizing the establishment and operation of such gambling establishments shall provide for the State revenues derived therefrom to be applied solely for the purpose of providing reductions in property taxes, rentals, telephone, gas, electric, and municipal utilities charges of eligible senior citizens and disabled residents of the State, in accordance with such formulae as the Legislature shall by law provide. The type and number of such casinos or gambling houses and of the gambling games which may be conducted in any such establishment shall be determined by or pursuant to the terms of the law authorizing the establishment and operation thereof.

E. It shall be lawful for the Legislature to authorize the conduct of jai alai meetings under regulation and control by the State, at which the parimutuel system of betting shall be permitted, when the entire net proceeds of any such jai alai meetings shall be applied to the relief of municipal real property taxes in all counties in which jai alai meetings are operated.

Rejected November 7, 1978.

EXECUTIVE ORDERS

Executive Orders

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 63

WHEREAS, The New Jersey Vocational Education Advisory Council was created on March 12, 1969 by Governor Richard J. Hughes, pursuant to the authority vested in him by the Constitution and by the Statutes of this State and as required by Federal Public Law 90-576; and

WHEREAS, The New Jersey Vocational Education Advisory Council was expanded to consist of 24 members on August 4, 1971 by Governor William T. Cahill, pursuant to the authority vested in him by the Constitution and by the statutes of this State; and

WHEREAS, The Council has proven to be invaluable in enabling the citizens of the State of New Jersey to receive the benefits of Federal appropriations under the Vocational Education Act; and

WHEREAS, Section 105 (a) of the new Federal Public Law 94-482 and its amendments requires additional representation on the Council of:

1. State correctional institutions,

2. State Manpower Services Council established pursuant to Section 107 of the Comprehensive Employment and Training Act of 1973, and

3. Women with background and experience in employment and training programs who are knowledgeable with respect to the special experiences and problems of sex discrimination in job training and employment and of sex stereotyping of vocational education, including women who are members of minority groups and who have, in addition to such backgrounds and experiences, special knowledge of the problems of discrimination in job training and employment against women who are members of such groups.

NOW, THEREFORE, I Brendan Byrne, Governor of the State of New Jersey, by virtue of the authority vested in me by the Con-

stitution and by the statutes of this State, do hereby ORDER and DIRECT that:

1. The New Jersey State Vocational Education Advisory Council be and hereby is expanded and shall now consist of 27 members, to be appointed by the Governor, for terms of three years, except that as to the members to be appointed to the newly created positions, one shall be appointed for a term of one year, one shall be for a term of two years, and one shall be for a term of three years.

2. This Order shall take effect immediately.

Given, under my hand and seal this 9th day of
[SEAL] January, in the year of Our Lord, one thousand nine hundred and seventy-eight, and of the Independence of the United States, the two hundred and second.

/s/ BRENDAN BYRNE,
Governor.

Attest:
HENRY N. LUTHER, III,
Executive Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 64

WHEREAS, Security services for buildings and grounds within the area known as the State Capitol Complex are now provided by the State Police, the State Capitol Police Force and a myriad of other State employees and private security guards; and

WHEREAS, With the enactment of Chapter 135 of the Laws of 1977, the State Capitol Police are now under the direction and supervision of the Superintendent of State Police; and

WHEREAS, The full cooperation of all agencies of State government is necessary in order to ensure that the best possible security system is provided to protect persons and property;

NOW, THEREFORE, I, Brendan Byrne, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. In addition to the State Capitol Police, all State employees employed as guards, watchmen, or in any other title related to

security matters within the State Capitol Complex, by any department or agency of State government, are hereby transferred to and shall hereafter be employees of the Division of State Police, and shall report to and be trained, directed and supervised by the Superintendent of State Police in the Department of Law and Public Safety.

2. At the discretion of the Superintendent of State Police, and subject to available appropriations, any contract security services now provided within the State Capitol Complex may be terminated as soon as practicable and may be replaced by State employees, to be employed by the Division of State Police, Department of Law and Public Safety.

3. The duties, responsibilities and assignments of such security personnel shall be established by the Superintendent of State Police with the approval of the Attorney General, subject to the availability of appropriations;

4. Unless specifically otherwise provided, all appropriations heretofore made to any State department or agency for salaries and related costs of such security personnel, and for contract security services, shall be transferred, in a debit and credit arrangement, to the Division of State Police in the Department of Law and Public Safety and shall continue to be used for the purposes for which originally appropriated.

5. Security services may be extended to facilities not now covered, at the discretion of the Superintendent of State Police, subject to the availability of appropriations.

6. For the purpose of this Executive Order, the State Capitol Complex shall include all buildings and grounds which are owned or leased by the State of New Jersey, and are located within the County of Mercer, and which are designated to be within the Complex by the Superintendent.

7. This Order shall take effect immediately.

Given, under my hand and seal this 3rd day of April,
[SEAL] in the year of Our Lord, one thousand nine hundred and seventy-eight, and of the Independence of the United States, the two hundred and second.

/s/ BRENDAN BYRNE,
Governor.

Attest:
ROBERT E. MULCAHY, III,
Chief of Staff, Secretary.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 65

WHEREAS, The Executive Branch of State Government recognizes that the State of New Jersey is one of the most ethnically and culturally diverse States of the fifty United States; and

WHEREAS, New Jersey served as the gateway to the United States for many immigant ethnic groups, which is of historical significance to the country because of the major role these groups played in the growth and development of the United States; and

WHEREAS, The State's ethnic communities are of historical significance to the State of New Jersey by virtue of the many contributions their members have made to the State's growth, development and governance, contributions which should be recorded and shared with all of the people of the State; and

WHEREAS, The wide variety of customs, languages and histories of these varied ethnic groups significantly enhances and enriches the quality of the State's social and cultural life; and

WHEREAS, The State has previously recognized and supported its ethnic communities through the New Jersey Bicentennial Ethnic Council, the re-opening of Ellis Island as a National Park and the beginning of the Liberty Park Complex, the Heritage Festivals held at the Garden State Arts Center, and the Inter-Cultural Relations and Ethnic Studies Institute in the Rutgers University Graduate Department of Education; and

WHEREAS, Awareness, appreciation and understanding of these many ethnic groups would contribute to the quality of life in the State by affirming our unity within a framework of cultural diversity; and

WHEREAS, The ethnic communities in the State need still greater attention and support from the government of the State and should play a significant role in shaping the State's approach to their culture, history and needs.

NOW, THEREFORE, I, Brendan Byrne, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby created an Ethnic Advisory Council which shall advise the Governor and recommend programs and other efforts the State shall engage in regarding ethnic communities;

(a) The Council shall consist of 16 members appointed by the Governor at least 11 of whom shall be representatives of ethnic communities within the State of New Jersey. In selecting the Council membership, consideration should be given to appointing as broad a representative sample as possible of New Jersey's ethnic communities.

(b) The Commissioners of the Department of Community Affairs and Education, the Chancellor of Higher Education, the Chairman of the State Council on the Arts or their designees, and the Ethnics Community Liaison appointed by the Governor shall serve on the Council in an ex-officio capacity.

(c) All members of the Council shall be residents of the State, and shall be appointed for terms of 2 years, except that of the members initially appointed, 8 shall be appointed for a term of 1 year, and 8 for a term of 2 years. The term of each of the members first appointed shall be designated by the Governor at the time of appointment.

(d) Each Council member shall hold office for the term of the appointment and until a successor shall have been qualified and appointed. Members shall not serve more than two consecutive terms notwithstanding the fact that the initial term might be less than 2 years or for the completion of an unexpired term.

(e) Council vacancies shall be filled by appointment by the Governor for the remainder of the unexpired term.

(f) The Governor shall designate the Chairman of the Council from among the members of the Council. The Chairman shall serve at the pleasure of the Governor.

(g) The Council shall organize itself in any manner it deems appropriate and enact by-laws as deemed necessary to carry forth the responsibilities of the Council.

2. The Council shall meet formally at least four times a year at the call of the chairman. The Council shall report annually to the Governor as to the activities of the Council.

3. The Council may make recommendations to the Governor concerning ethnic studies programs offered in the State's public

schools, colleges, and the State University; the participation of ethnic organizations in providing community and social services; the promotion of ethnic and cultural events; the development of policies effecting ethnic neighborhoods; increasing knowledge and public awareness in ethnic history and culture; the participation of ethnic groups in governmental affairs; and such other matters as deemed appropriate to the purpose of this Executive Order.

4. Members of the Council are hereby charged with consulting with all segments of the State's ethnic communities to invite ideas and solicit suggestions in furtherance of this Executive Order.

[SEAL] Given, under my hand and seal this eleventh day of April in the year of Our Lord, one thousand nine hundred and seventy-eight, and of the Independence of the United States, the two hundred and second.

/s/ BRENDAN BYRNE,
Governor.

Attest:
ROBERT E. MULCAHY, III,
Chief of Staff, Secretary.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 66

WHEREAS, The objective of the State government should be to promulgate only necessary, adequate, reasonable, efficient, understandable and responsive administrative rules; and

WHEREAS, A "sunset" provision in administrative rules will assure complete and periodic review of administrative rules; and

WHEREAS, The implementation of the "sunset" concept was a recommendation of the Governor's Conference on Economic Priorities for Job Creation;

NOW, THEREFORE, I, Brendan Byrne, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the statutes of this State, do hereby ORDER and DIRECT that:

1. Every administrative rule which is adopted pursuant to "The Administrative Procedure Act" (P. L. 1968, c. 410; N. J. S. 52:14B–1 et seq.) after the effective date of this Order shall contain a provision that the rule shall expire on a date not more than five years after the date of its adoption. Any existing administrative rule which is amended after the effective date of this Order shall also be amended to contain a provision that the rule shall expire on a date not more than five years thereafter.

2. The heads of all State departments and agencies shall initiate a thorough review of all existing chapters of administrative rules promulgated by their department or agency. A report on all rules which are not necessary, adequate, reasonable, efficient, understandable or responsive to the purposes for which they were promulgated shall be prepared and submitted to the Secretary of State and the Counsel to the Governor.

3. The provisions of this Order shall not apply to any administrative rule (1) adopted in compliance with Federal law or (2) with respect to which the Order's application would violate any State or Federal law. Such exempt regulations shall be reported to the Secretary of State and the Counsel to the Governor.

4. The Governor may waive any requirement of this Order when he shall deem such waiver appropriate.

5. This Order shall take effect 30 days from the date hereof.

Given, under my hand and seal this 14th day of April,
[SEAL] in the year of Our Lord, one thousand nine hundred and seventy-eight, and of the Independence of the United States, the two hundred and second.

/s/ BRENDAN BYRNE,
Governor.

Attest:
ROBERT E. MULCAHY, III,
Chief of Staff, Secretary.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 67

WHEREAS, On March 11, 1971, the Governor's State Committee on Children and Youth was created, composed of delegates to the decennial White House Conference on Children (1970) and Youth (1971), youth representatives, and concerned citizens, to implement the recommendations of those national conferences and otherwise study and recommend what changes need to be made to improve the quality of services for the children and youth of the State; and

WHEREAS, By subsequent executive orders of September 29, 1972 and June 18, 1975, the Governor's State Committee on Children and Youth was continued until June 30, 1975 and June 30, 1978 respectively; and

WHEREAS, There continues the need to focus attention on the problems of New Jersey's children, youth and their families; and

WHEREAS, There continues the need to foster better communication and coordination of activities among the public agencies of the executive, legislative and judicial branches of government at the State, county and local level and among private agencies and organizations servicing children, youth and their families; and

WHEREAS, In my Annual Message of this year I called upon the Governor's State Committee on Children and Youth to review the operations of every public and private agency affecting our children so that all parents and their children may know where they may go to receive assistance; and

WHEREAS, I have indicated this is the first step we must take to deal with the overall problems of children in New Jersey; and

WHEREAS, The quality of family life is an integral and inseparable factor in the development and resolution of issues involving children and youth; and

WHEREAS, There is scheduled to occur in the year 1981 a White House Conference on Families;

NOW, THEREFORE, I, Brendan T. Byrne, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the statutes of this State, do hereby ORDER and DIRECT:

1. The Governor's State Committee on Children and Youth is hereby reestablished as the Governor's State Committee on Children, Youth and Families, with a membership of not more than 50 persons, composed of delegates to the decennial White House Conference, representatives of the Legislature, of the various State agencies and of organizations which have an ongoing concern for the problems of children, youth and their families.

2. a. The members and chairperson of the Governor's State Committee on Children and Youth as of June 30, 1978 shall continue as members and chairperson of the Governor's State Committee on Children, Youth and Families. Additional appointments shall be made by the chairperson of the committee subject to the approval of the Governor. The chairperson shall be appointed by the Governor and shall continue to serve at the pleasure of the Governor.

b. There shall be established a Resource Group to be composed of 24 members. Of these members, eleven ex officio members shall include the Commissioners of the Departments of Community Affairs, Corrections, Education, Health, Higher Education, Human Services, Labor and Industry, Law and Public Safety, the Public Advocate, and Treasury, and the Administrative Director of the Courts or their designees. The Governor shall appoint nine members, including a judge of the Juvenile and Domestic Relations Court, who shall be chosen in consultation with the Chief Justice; two county government officials; two municipal government officials; and four individuals representing private agencies and organizations serving the children, youth or families of this State. Two members shall be Senators, not of the same political party, as may be appointed by the Senate President. Two members shall be Assemblymen, not of the same political party, as may be appointed by the Assembly Speaker. Members of the committee may also serve as members of the Resource Subcommittee.

c. There shall be appointed by the chairperson a steering subcommittee of six members, with the chairperson of the committee serving as chairperson of the subcommittee. The steering subcommittee shall determine agendas for committee meetings, and shall implement decisions of the committee. Any action of the steering subcommittee may be overruled by a majority vote of the entire membership of the committee. No action of the steering subcommittee shall take effect until the first meeting of the entire committee following the steering subcommittee decision, unless

the entire committee by majority vote gives prior approval to a general course of action to be taken by the steering subcommittee.

3. a. The Division of Human Resources within the Department of Community Affairs shall provide staff to the State Committee which shall serve in consultation with the Division of Youth and Family Services in the Department of Human Services. One individual from the Division of Human Resources shall serve as secretary to the State Committee and as an ex officio member thereof.

b. All State departments and agencies which provide or have an effect on services to children, youth and their families shall submit reports and information upon the request of the State Committee.

4. a. The State Committee may hold hearings in the State in order to collect necessary information regarding children, youth and families.

b. The State Committee may appoint advisory committees to assist it in developing and exploring particluar issues.

5. The committee shall perform the following functions:

a. Review the operations of all public and private agencies affecting children.

b. Develop and maintain an organizational plan to be used as a reference in determining the services available to children, youth and families from all public and private agencies and organizations so that parents, children, and other interested parties may have convenient access to these services and so that coordination among such agencies and organizations may be fostered.

c. Review and evaluate programs, services, legislation, and proposals for such programs, services and legislation affecting children, youth and families.

d. Review funding available and proposed for such programs, services, and legislation.

e. Recommend new programs, services and legislation as the committee may deem necessary.

f. Maintain contact with the White House Conference staff in Washington within the Administration for Children, Youth and Families, Department of Health, Education and Welfare, the National Council of State Committees for Children and Youth, the regional committee established at the decennial

conferences; and should be considered by all other public and private agencies in this State as the official body appointed by the Governor to be responsible for State planning for the White House Conferences on Families and Children and Youth and for evaluating and recommending to the Office of the Governor any programs, legislation, and administrative changes through which the life of the State's children, youth and their families can be enhanced.

6. The committee shall issue a report to the Governor in October and March of each year on the progress that has been made by public and private agencies over the past year and the committee shall make reports and recommendations to the Governor, to the Legislature, to government agencies, and private agencies and organizations for the improvement of current programs or the initiation of new programs for New Jersey's children, youth and their families.

7. The month of May shall be designated annually as a month for recognizing the children and youth of our State. The second week of May shall be designated as "A Week for Children and Youth," sponsored by the State Committee on Children, Youth, and Families; and I urge that it be set aside by all agencies in the State, both public and private, for activities focusing on the problems, concerns, and accomplishments of our children, youth and their families.

8. This order shall take effect immediately and shall terminate five years after date of enactment.

Given, under my hand and seal this 21st day of
[SEAL] September, in the year of Our Lord, one thousand nine hundred and seventy-eight, of the Independence of the United States, the two hundred and third.

/s/ BRENDAN BYRNE,
Governor.

Attest:
ROBERT E. MULCAHY, III,
Chief of Staff, Secretary.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 68

Provisions for the necessary and appropriate State coordination and participation with the Federal Insurance Administration under the National Flood Insurance Act of 1968, as amended, and rules and regulations promulgated thereunder.

WHEREAS, The State of New Jersey has extensive and continuing programs for the construction of buildings, roads and other facilities and annually acquires and disposes of lands in flood hazard areas, all of which activities significantly influence patterns of commercial, residential and industrial development; and

WHEREAS, The availability of flood insurance under the National Flood Insurance Program, as provided by the National Flood Insurance Act of 1968, as amended, is dependent upon State coordination of Federal, State and local aspects of flood plain (i.e. any land area susceptible to being inundated by water from any source), mudslide (i.e. mudflow) area and flood-related erosion area management activities in the State; and

WHEREAS, The participation by the State of New Jersey in a plan of self-insurance for State owned properties under Section 1925.1 et seq., Rules and Regulations of the Federal Insurance Administration, is conditioned upon the State's compliance with the minimum flood plain management criteria of the National Flood Insurance Program regulations; and

WHEREAS, The State of New Jersey has made provision for the self-insurance of State owned properties which complies with Section 1925.1 et seq., Rules and Regulations of the Federal Insurance Administration; and

WHEREAS, The Federal Insurance Administration has promulgated and adopted rules and regulations governing eligibility of State and local communities to participate in the National Flood Insurance program and in a self-insurance program, which participation depends on State coordination and the designation of an agency in the State of New Jersey to be responsible for coordinating Federal, State and local aspects of flood plain, mudslide area

and flood-related erosion area management activities in the State of New Jersey.

Now, THEREFORE, I, Brendan Byrne, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the statutes of this State, do hereby ORDER and DIRECT:

Section 1. The Division of Water Resources in the State Department of Environmental Protection is hereby designated as the agency to implement Section 1910.12, Rules and Regulations of the Federal Insurance Administration, and to encourage a broad and unified effort to prevent the hazardous use and development of the State's flood plains, and in particular, to reduce the risk of flood losses in connection with State lands and installations and State financed or supported improvements. Specifically:

(1) Under the leadership and direction of the Division of Water Resources all State departments and agencies directly responsible for the construction of buildings, structures, roads or other facilities shall preclude the hazardous or unnecessary use of flood plains in connection with such facilities. In the event of construction or other development by any State department or agency in the flood plain, the flood plain management criteria set forth in Sections 1910.3, 1910.4 and 1910.5 of the National Flood Insurance Regulations shall be applicable. Compliance with these criteria does not excuse compliance with any other State laws or regulations.

(2) All State departments and agencies responsible for the administration of grant or loan programs involving the construction of buildings, structures, roads or other facilities shall evaluate flood hazards in connection with such facilities and, in order to minimize the exposure of facilities to potential flood damage and the need for future State expenditures for flood protection and flood disaster relief, shall preclude the hazardous or unnecessary use of flood plains in such connection.

(3) All State departments and agencies responsible for the disposal of lands or properties shall evaluate flood hazards in connection with lands or properties proposed for disposal to other public instrumentalities or private interests and in order to minimize future State expenditures for flood protection and flood disaster relief, shall attach appropriate restrictions with

respect to uses of the lands or properties for disposal. In carrying out the provisions of this paragraph, each State department and agency may make appropriate allowance for any estimated decrease in sales price resulting from the incorporation of use restrictions in the disposal documents.

(4) All State departments and agencies responsible for programs which affect land use planning, including State permit programs, shall take flood hazards into account when evaluating plans, and shall encourage land use appropriate to the degree of hazard involved.

Section 2. All State departments and agencies identified pursuant to Section 1, Subsection 2, herein, shall submit to the Division of Water Resources for review and approval all plans for the construction of buildings, structures, roads and other facilities.

Section 3. All State departments and agencies identified pursuant to Section 1, Subsection 3, herein, shall submit to the Division of Water Resources for review and approval all plat plans of State-owned lands or properties proposed for disposal.

Section 4. All State departments and agencies shall submit to the Division of Water Resources an inventory of all State-owned structures and their contents during the month of September of each year consistent with the requirements of Section 1925.11, Rules and Regulations of the Federal Insurance Administration.

Section 5. This Order will take effect immediately.

[SEAL] Given, under my hand and seal this 1st day of November, in the year of Our Lord, one thousand nine hundred and seventy-eight, of the Independence of the United States, the two hundredth and third.

/s/ BRENDAN BYRNE,
Governor.

Attest:
ROBERT E. MULCAHY, III,
Chief of Staff, Secretary.

REORGANIZATION PLANS

REORGANIZATION PLANS FOR THE URBAN LOAN AUTHORITY AND AREA REDEVELOPMENT AUTHORITY

The Urban Loan Authority in the Department of Community Affairs is hereby abolished and all functions, powers and duties of said authority are hereby transferred to the New Jersey Economic Development Authority in, but not of, the Department of Labor and Industry. The Area Redevelopment Authority in the Department of Labor and Industry is hereby abolished and all functions, powers and duties of said authority are hereby transferred to the New Jersey Economic Development Authority in, but not of, the Department of Labor and Industry.

The Urban Loan Authority, established pursuant to the Business Incentive Loan Act, P. L. 1969, c. 202, as amended (c. 52:27D–71 et seq.) provides loans, loan guarantees and technical assistance to businesses which are unable to obtain necessary financing on reasonable terms and are located in areas of high unemployment. The Area Redevelopment Authority, established pursuant to the New Jersey State Redevelopment Assistance Act, P. L. 1962, c. 204, as amended and supplemented, provides financial assistance to local area redevelopment agencies for projects which will expand employment opportunities and improve economic conditions in local redevelopment areas.

The Economic Development Authority, which was created in 1974, has facilitated tax exempt financing and, in some cases, provided loan guarantees for commercial and industrial development and capital facility improvements. The Economic Development Authority activities have substantially expanded employment opportunities and economic growth, with many benefits accruing to urban areas of high unemployment. During the few years of its existence, the Economic Development Authority has become by far the most successful, expert, and dominant financial assistance agency in State government. By abolishing the smaller Urban Loan Authority and Area Redevelopment Authority, and transferring their respective functions, powers and duties to the Economic Development Authority, the State can more effectively support employment growth and urban economic revitalization. Also the expanded urban economic development role which has been assumed by the Economic Development Authority should incorpo-

rate the parallel activities of the Urban Loan Authority and Area Redevelopment Authority.

This reorganization plan concentrates economic development financial assistance functions in a single, effective agency; it eliminates duplication of effort by cabinet officers and staffs serving on the different authorities; and it streamlines financial assistance procedures by eliminating multiple applications for financial assistance and multiple loan reviews by the different staffs.

In accordance with the provisions of the Executive Reorganization Act of 1969, P. L. 1969, c. 203 (c. 52:14c–2), I find and declare that these abolitions, transfers and reorganization are necessary:

(1) To promote the more effective management of the Executive Branch;

(2) To reduce expenditures and promote economy to the fullest extent practicable;

(3) To increase the efficiency of the operations of the Executive Branch to the fullest extent practicable;

(4) To group, coordinate, and consolidate agencies and functions of the Executive Branch, as nearly as practicable, according to major purposes;

(5) To reduce the number of agencies by consolidating those having similar functions under a single head, and to abolish such agencies as may not be necessary for the efficient conduct of the Executive Branch; and

(6) To eliminate overlapping and duplication of effort.

All acts and parts of acts inconsistent with any of the provisions of this reorganization plan are superseded to the extent of such inconsistencies. All transfers directed by this reorganization plan shall be effected pursuant to the "State Agency Transfer Act", P. L. 1971, c. 375 (c. 52:14D–1 et seq.).

/s/ BRENDAN BYRNE,
Governor.

Filed February 27, 1978.

REORGANIZATION PLAN FOR THE BOARD OF PUBLIC UTILITIES AND THE DEPARTMENT OF TRANSPORTATION

The functions, powers, and duties including, but not limited to, investigatory and punitive powers heretofore exercised and performed by the Board of Public Utilities pursuant to the provisions of Chapters 4, 12, and 15 inclusive of Title 48 of the Revised Statutes, as amended and supplemented, and the provisions of Chapters 2 and 3 of Title 48 of the Revised Statutes, as amended and supplemented as they apply to autobuses, charter and special bus operations, railroads, street railways, traction railways and subways (except that no function, power or duty set forth in P. L. 1968, c. 173, (C. 48:2–59 to 48:2–72) is hereby transferred) and R. S. 39:3–4.1, R. S. 39:3–19, R. S. 39:3–61(m), R. S. 39:3–64(b), R. S. 39:4–128(d), R. S. 39:8–1, R. S. 40:55–50, R. S. 40:62–1, R. S. 40:62–2(c), R. S. 40:121–1, R. S. 40:121–5, R. S. 40:121–12, R. S. 40:121–13, R. S. 40:183–55, R. S. 40:183–61 to 40:183–65, R. S. 40:183–69, R. S. 40:183–71 to 40:183–74 are hereby transferred to and shall be exercised and performed by the Department of Transportation effective January 1, 1979.

All appropriations, grants, and other monies available to and to become available to the Board of Public Utilities attributable to and derived from the functions, powers, and duties which have been transferred by this plan to the Department of Transportation are hereby transferred to the Department of Transportation and shall be available for the objects and purposes for which appropriated or otherwise made available subject to any terms, restrictions, limitations or other requirements imposed by the State or Federal law.

Such employees of the Board of Public Utilities engaged in the functions, powers, and duties which have been transferred by this reorganization plan are hereby transferred to the Department of Transportation.

With respect to the functions, powers and duties hereby transferred to the Department of Transportation, whenever in any law, rule, regulation, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Board of Public Utilities, the same shall mean and refer to the Department of Transportation.

This reorganization plan shall not affect the tariffs, orders, agreements, rules and regulations heretofore made or promulgated by the Board of Public Utilities relating to the functions, powers and duties which have been transferred to the Department of Transportation but such tariffs, orders, agreements, rules and regulations shall continue with full force and effect until amended or repealed pursuant to law and shall be administered by the department.

This reorganization plan shall not affect actions or proceedings, civil or criminal, brought by or against the Board of Public Utilities relating to the functions, powers, and duties which have been herein transferred by this plan, and which are pending on the effective date of this plan, but such actions or proceedings may be prosecuted and defended in the same manner and to the same effect by the Department of Transportation as if the foregoing provisions had not taken effect; nor shall this reorganization plan affect any order or recommendation made by, or other matters or proceedings before, the Board of Public Utilities relating to the functions, powers, and duties which have been herein transferred, and all such matters or proceedings pending before such Board of Public Utilities on the effective date of this reorganization plan shall be continued by the Department of Transportation, provided that any hearings commenced by the Board of Public Utilities, prior to the effective date of this reorganization plan shall continue before the hearing officer of that board under the applicable rules of the Board of Public Utilities. However, upon completion of the hearings and proceedings before the hearing officer and unless waived by the parties or certified to the Department of Transportation by its own action, the hearing officer shall make his report and recommendations to the Department, serving copy of said report and recommendations upon all parties, who have participated in the hearings as provided in the Rules of Practice. With respect to such hearings, whenever reference is made to the Board of Public Utilities it shall mean and refer to the Department of Transportation.

Unless specifically otherwise provided in this reorganization plan or by an operative law, whenever, pursuant to existing law, consents, approvals, reports, certifications, petitions, applications, or requests are required from or permitted to be made to the Board of Public Utilities relating to those functions, powers, and duties which are transferred by this reorganization plan, such consents, approvals, reports and certifications shall hereafter be required to be filed with, and such petitions, applications or requests shall

hereafter be made to the Department of Transportation to which such transfer has been made under this reorganization plan.

The transfer directed by this reorganization plan with respect to the Board of Public Utilities shall be made pursuant to the "State Agency Transfer Act," P. L. 1971, c. 375 (C. 52:14D–1 et seq.).

If any provisions of this reorganization plan or the application thereof to any person, or circumstances, or the exercise of any power, or authority thereunder is held invalid or contrary to law, such holding shall not affect other provisions or applications of the reorganization plan which can be given effect without the invalid provisions or applications or affect other exercises of power of authority under said provisions not contrary to law, and to this end, the provisions of this reorganization plan are declared to be severable.

This reorganization plan is intended to protect and promote the public health, safety and welfare, and shall be liberally construed to obtain the objectives and effect the purposes thereof.

All Acts and parts of Acts inconsistent with any of the provisions of this reorganization plan are superseded to the extent of such inconsistencies. Any provisions of this plan which conflict with Federal law are null and void.

In accordance with the provisions of the Executive Reorganization Act of 1969, P. L. 1969, c. 203 (C. 52:14C–2), I find and declare that this transfer and reorganization is necessary:

1. To promote the better execution of the laws and the more efficient management of the Executive Branch and of its agencies and functions;

2. To increase the efficiency of the operations of the Executive Branch to the fullest extent practicable;

3. To group, coordinate and consolidate agencies and functions of the Executive Branch as nearly as practicable according to major purposes; and

4. To eliminate overlapping and duplication of effort.

All Acts and parts of Acts inconsistent with any of the provisions of this reorganization plan are superseded to the extent of such inconsistencies. All transfers directed by this reorganization plan shall be effected pursuant to the "State Agency Transfer Act," P. L. 1971, c. 375 (C. 52:14D–1 et seq.).

/s/ BRENDAN BYRNE,
Governor.

Filed October 5, 1978.

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